

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8651 of 2019

Santosh Kumar Yadav, S/o. Nand Lal Yadav, Aged About 23 Years, Working As Rojgar Sahayak, At Gram Panchayat Nilkanthpur, Janpad Panchayat Ramchandrapur, P.S. Ramanujganj, Tahsil Ramanujganj District - Balrampur - Ramanujganj Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary Panchayat And Gramin Vikas Bibhag, Mahanadi Bhawan Mantralaya, Capital Complex, Atal Nagar Raipur, District Raipur Chhattisgarh.
2. Collector Balrampur–Ramanujganj, District- Balrampur Ramanujganj Chhattisgarh.
3. Chief Executive Officer, Janpad Panchayat Ramchandrapur, District Balrampur Ramanujganj Chhattisgarh.
4. Chief Executive Officer, Zila Panchayat Balrampur - Ramanujganj, District Balrampur Ramanujganj Chhattisgarh.
5. Program Officer Janpad Panchayat Ramchandrapur, District Balrampur Ramanujganj Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. A. K. Yadav, Advocate
For State	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.10.2019

1. Learned counsel for the petitioner submits that the petitioner was appointed as Rozgar Sahayak of Gram Panchayat Nilkanthpur and he has been terminated without affording any opportunity of hearing. He further submits that in the like nature of petition i.e. WPS No.3046 of 2019 decided on 25.04.2019 wherein on the similar issue, the Court has passed the following orders.

“6. Bare perusal of the impugned order of termination would manifest that the petitioner has been terminated with immediate effect. The order does not refer to any show

cause notice or enquiry, wherein, the petitioner was allowed to participate. It is per se in violation of the principles of natural justice, which is clearly established from the language of the order of termination itself, therefore, for the reason that no order adverse to an individual be passed without following the principles of natural justice, as held by the Supreme Court in the matter of **State of Punjab & Ors. v. Senior Vocational Staff Masters Association & Ors. (AIR 2017 SC 4072)**, the impugned order Annexure P-1 dated 15/11/2018 & P-2 dated 29/11/2017 deserves to be and is hereby quashed at the admission stage itself. However, liberty is reserved in favour of the competent authority to take appropriate action after giving opportunity of hearing to the petitioner or to take decision about continuation of the petitioner's services at the end of completion of the period of contract appointment.

7. It is also made clear that the observations made in the preceding paragraphs of this order shall not be construed in favour of either parties and any action or proceeding initiated against the petitioner, after issuance of show cause notice against her, shall be decided strictly in accordance with its own merits and law.”

2. State counsel do not dispute the fact that the similar like nature of the petition has been allowed.
3. Considering the fact that the similar issue has been decided by this Court, the cause of this litigation shall also govern by the judgment rendered in WPS No.3046 of 2019. Para 6 & 7 which are reproduced herein above shall also be applicable in this case.
4. With the aforesaid observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge