

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9670 of 2019**

- Sanat Kumar Tandan S/o Shri Kanhaiya Tandon Aged About 34 Years R/o Village - Baihakapa, Gram Panchayat - Tarwarpur, Janpad Panchayat Mungeli, Tahsil Mungeli, District : Mungeli, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary , Panchayat And Gramin Vikas Vibhag, Mahanadi Bhawan , Mantralaya, Capital Complex , Naya Raipur , District : Raipur, Chhattisgarh
2. Collector, Mungeli, District : Mungeli, Chhattisgarh
3. Chief Executive Officer Janpad Panchayat, Mungeli, District Mungeli Chhattisgarh
4. Chief Executive Officer Zila Panchayat Mungeli, District : Mungeli, Chhattisgarh
5. Program Officer Janpad Panchayat Mungeli, District : Mungeli, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Akath Kumar Yadav, Advocate
For Respondents/ State	:	Shri Kunal Das, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****19/12/2019**

1. Heard.
2. The petitioner was appointed as Rozgar Sahayak of Gram Panchayat Tarwarpur, Janpad Panchayat Mungeli, District Mungeli in the year 2008 on contract basis.

3. By the impugned order dated 06.09.2019, the petitioner's contract appointment has been terminated on certain allegations of committing irregularities in payment of the labourers and dereliction of duties.
4. It is argued that the contract appointment was continuing for a period of one year for each succeeding years, however, the same has been terminated without affording any opportunity of hearing or issuing show cause notice, therefore, the same is illegal and arbitrary being violation of the principles of natural justice enshrined under Article 14 of the Constitution of India.
5. On the other hand, learned counsel for the State, would submit that the petitioner was a contract appointee, therefore, if any complaint was made against him and he was found to have committed irregularities and dereliction in duties, the order of termination is fully justified.
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 06/09/2019 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.
8. The writ petition is allowed to the extent indicated above.
9. Certified copy today.

Sd/-
Goutam Bhaduri
Judge

yasmin