

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 79 of 2020**

- Sushila Sahu D/o Ram Narayan Sahu Aged About 42 Years R/o Village Barhol, Block Ramanujnagar, District- Surajpur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Women And Child Welfare Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur, District- Raipur, Chhattisgarh
2. Collector Surajpur, District- Surajpur, Chhattisgarh
3. Chief Executive Officer Janpad Panchayat Ramanujnagar, District- Surajpur, Chhattisgarh
4. Project Officer Integrated Child Development Scheme Ramanujnagar, District- Surajpur, Chhattisgarh

---- Respondents

For Petitioner : Shri Praveen Dhurandhar, Advocate

For Respondents/State : Shri Avinash Singh, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****08/01/2020**

1. Heard.
2. The grievance of the petitioner is that the petitioner was working as Anganbadi Assistant at Anganbadi Centre, Barhol, Block Ramanujnagar, District Surajpur. It is contended that all of a sudden the petitioner was not allowed to discharge her duties and subsequently when an application was filed in the Jan Darshan before the Collector, it was replied by Annexure P-4 that her services have been terminated. It is contended that before such alleged termination neither the

petitioner was given any hearing as prescribed under Rule 7 of the Panchayat Service (Discipline & Appeal) Rules, 1999 and various circulars exist on this issue.

3. Learned counsel for the petitioner placed reliance in the case of ***Dulu Devi Versus State of Assam and others {(2016) 1 SCC 622}*** and would submit that unless the termination is properly communicated, it cannot be effective. He would, therefore, submit that the said judicial dictum requires to be followed. Consequently, the petitioner has made a representation to the Collector and the Secretary, Women & Child Development Department, which may be decided so that actual status of the petitioner in view of the judicial dictum laid down can be ascertained.
4. The Supreme Court in the case of ***Dulu Devi Versus State of Assam and others {(2016) 1 SCC 622}*** at paras 15 & 16 has held thus:-

“15. The Constitution Bench Judgment of this Court in the case of [State of Punjab vs. Amar Singh Harika](#), AIR 1966 SC page 1313, considered this aspect of the matter. Writing the judgment, His Lordship (Gajendragadkar, C.J.) held that mere passing of an order of dismissal or termination would not be effective unless it is published and communicated to the officer concerned. If the appointing authority passes an order of dismissal, but does not communicate it to the officer concerned, theoretically it is possible that unlike in the case on a judicial order pronounced in Court, the authority may change its mind and decide to modify its order. The order of dismissal passed by the appropriate authority and kept with itself, cannot be said to take effect unless the officer concerned knows about the said order and it is otherwise communicated to all the parties concerned. If it is held that mere passing of order of dismissal has the effect of terminating the services of the officer concerned, various complications may arise.

16. Similar view has been taken by this Court in the case of [Union of India vs. Dinanath Shantaram Karekar](#), (1998) 7 SCC 569, where this Court observed:

“9. Where the services are terminated, the status of the delinquent as a government servant comes to an end and nothing further remains to be done in the matter.

But if the order is passed and merely kept in the file, it would not be treated to be an order terminating services nor shall the said order be deemed to have been communicated.”

5. Considering the limited prayer of the petitioner and the fact that as it is alleged that the petitioner has not been supplied with the termination order, if any, for which the petitioner has made an application to the Secretary, Women & Child Development Department, it is directed that the petitioner is given liberty to make afresh representation before the respondent No.2 Collector, Surajpur ventilating all the grievance with all the pleading within a period of 15 days from today and on such representation being filed the same shall be decided within an outer limit of 60 days from the date of receipt of the representation.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu