

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.5323 of 2011

Komal Ram Sahu, aged about 35 years, S/o Sakharam Sahu, R/o Village Katalbod, Tahsil Kurud, District Dhamtari (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Panchayat Department, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. Janpad Panchayat, Magarlod, through the Chief Executive Officer, District Dhamtari (C.G.)
3. Primary School, Katalbod, through the Headmaster, Block Kurud, District Dhamtari (C.G.)
4. Gandhi Gyan Mandir Higher Secondary School, Katalbod, through the Principal, Block Kurud, District Dhamtari (C.G.)
5. Chief Executive Officer, Janpad Panchayat, Magarlod, District Dhamtari (C.G.)

---- Respondents

For Petitioner: Mr. Prateek Sharma, Advocate.

For Respondent No.1/State: -

Mr. Siddharth Dubey, Deputy Govt. Advocate.

For Respondents No.2 and 5: -

Mr. Sabyasachi Bhaduri, Advocate.

For Respondent No.3: Mr. Sunil Sahu, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

31/08/2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. Mr. Prateek Sharma, learned counsel appearing for the petitioner, would submit that the petitioner's services on the post of Shiksha Karmi Grade-III have been terminated by the Chief Executive Officer, Janpad Panchayat, Magarlod, whereas his appointing authority and

disciplinary authority is the General Administrative Standing Committee of the Janpad Panchayat under Rule 10 of the Chhattisgarh Panchayat Shiksha Karmi (Recruitment and Conditions of Services) Rules, 2007 (for short, 'the Rules of 2007') and therefore the order of termination deserves to be set aside.

3. Mr. Siddharth Dubey, learned Deputy Govt. Advocate appearing for the State / respondent No.1; Mr. Sabyasachi Bhaduri, learned counsel appearing for respondents No.2 & 5; and Mr. Sunil Sahu, learned counsel appearing for respondent No.3, would support the impugned order.
4. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the record with utmost circumspection.
5. Admittedly and undisputedly, disciplinary authority of Shiksha Karmi Grade-III, at the relevant point of time, was the General Administrative Standing Committee of the Janpad Panchayat under Rule 10 of the Rules of 2007, whereas, termination order of the petitioner has been passed by the Chief Executive Officer of Janpad Panchayat, Magarlod. It has not been shown and demonstrated that the said Committee has ever resolved to terminate the services of the petitioner and in consequence thereof, the petitioner's services have been terminated. Consequently, the impugned order dated 19-7-2011 (Annexure P-1) is hereby set aside and the Janpad Panchayat is at liberty to proceed in accordance with law. The petitioner is entitled for reinstatement, however, the question of back-wages will be considered by the appointing authority in accordance with the relevant rules and applicable regulations within 45 days from the date of

receipt of a copy of this order.

6. The writ petition is allowed to the extent indicated herein-above. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma