

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1730 of 2012**

- Parmeshwar Yadav Aged About 26 Years S/o Royadu Ram Yadav, Occupation, Service, Posted as Gram Rojgar Sahayak, at Gram Panchayat Ramkrishnapur, Janpad Panchayat Koyalibeda, District Kanker, C.G., R/o Village Kotul Post Sikshod, P.S. Koyalibeda Pakhanjur District Kanker C.G.

----- Petitioner**Versus**

- 1.State of Chhattisgarh through the Secretary, Department of Panchayat and Rural Development, D.K.S. Bhawan, Raipur, District Raipur, C.G.
- 2.The Collector, North Bastar Kanker, District, North Bastar Kanker, C.G.
- 3.Jila Panchayat, North Bastar Kanker, District North Bastar Kanker, C.G.
- 4.Janpad Panchayat, Koyalibeda, District Kanker, C.G.
- 5.Chief Executive Officer, Janpad Panchayat, Koyalibeda, District Kanker, C.G.
- 6.Gram Panchayat, Ramkrishnapur, through its Secretary, Janpad Panchayat Koyalibeda, Pakhanjur, District Kanker, C.G.

----- Respondents

WPS No. 1731 of 2012

- Mahendra Baghel Aged About 28 Years S/o Shri Chandan Ram Baghel, Occupation Service, Posted as Gram Rojgar Sahayak, at Gram Panchayat Easebeda, Janpad Panchayat Koyalibeda, District Kanker C.G. R/o Village Easebeda, P.S. Koyalibeda Pakhanjur District Kanker C.G.

----- Petitioner

Versus

- 1.State of Chhattisgarh through the Secretary, Department of Panchayat and Rural Development, D.K.S. Bhawan, Raipur, District Raipur, C.G.
- 2.The Collector, North Bastar Kanker, District, North Bastar Kanker, C.G.
- 3.Jila Panchayat, North Bastar Kanker, District North Bastar Kanker, C.G.
- 4.Janpad Panchayat, Koyalibeda, District Kanker, C.G.
- 5.Chief Executive Officer, Janpad Panchayat, Koyalibeda, District Kanker, C.G.
- 6.Gram Panchayat, Ramkrishnapur, through its Secretary, Janpad Panchayat Koyalibeda, Pakhanjur, District Kanker, C.G.

----- Respondents

WPS No. 1732 of 2012

- Ku. Maheshwari Dehari D/o Shri Ramlal Dehari, aged About 25 Years, Occupation Service, posted as Gram Rojgar Sahayak, at Gram Panchayat Durgapur, Janpad, Panchayat Koyalibeda, District Kanker, CG., R/o Village Bandebasti, P.S. Koyalibeda, Pakhanjur, District Kanker, C.G.

----- Petitioner

Versus

- 1.State of Chhattisgarh through the Secretary, Department of Panchayat and Rural Development, D.K.S. Bhawan, Raipur, District Raipur, C.G.
- 2.The Collector, North Bastar Kanker, District, North Bastar Kanker, C.G.
- 3.Jila Panchayat, North Bastar Kanker, District North Bastar Kanker, C.G.
- 4.Janpad Panchayat, Koyalibeda, District Kanker, C.G.
- 5.Chief Executive Officer, Janpad Panchayat, Koyalibeda, District Kanker, C.G.
- 6.Gram Panchayat, Durgapur, through its Secretary, Janpad Panchayat Koyalibeda, Pakhanjur, District Kanker, C.G.

----- Respondents

WPS No. 1733 of 2012

- Tribhuwan Samrath aged About 27 Years S/o Shri Balchand, Occupation Service, posted as Gram Rojgar Sahayak, at Gram Panchayat Dwarikapuri, Janpad Panchayat Koyalibeda, District Kanker, C.G., R/o Village Dwarikapuri, P.S. Koyalibeda, Pakhanjur District Kanker C.G.

----- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Department of Panchayat and Rural Development, D.K.S. Bhawan, Raipur, District Raipur, C.G.
2. The Collector, North Bastar Kanker, District, North Bastar Kanker, C.G.
3. Jila Panchayat, North Bastar Kanker, District North Bastar Kanker, C.G.
4. Janpad Panchayat, Koyalibeda, District Kanker, C.G.
5. Chief Executive Officer, Janpad Panchayat, Koyalibeda, District Kanker, C.G.
6. Gram Panchayat, Dwarikapuri, through its Secretary, Janpad Panchayat Koyalibeda, Pakhanjur, District Kanker, C.G.

----- Respondents

WPS No. 1734 of 2012

- Ku. Sumitra Achale, D/o Shri Budhram, aged About 24 years, Occupation Service, Posted as Gram Rojgar Sahayak, at Gram Panchayat Hariharpur, Janpad Panchayat Koyalibeda, District Kanker, C.G., R/o Village Junagadegaon, P.S. Koyalibeda, Pakhanjur, District Kanker, C.g.

----- Petitioner

Versus

- 1.State of Chhattisgarh through the Secretary, Department of Panchayat and Rural Development, D.K.S. Bhawan, Raipur, District Raipur, C.G.
- 2.The Collector, North Bastar Kanker, District, North Bastar Kanker, C.G.
- 3.Jila Panchayat, North Bastar Kanker, District North Bastar Kanker, C.G.
- 4.Janpad Panchayat, Koyalibeda, District Kanker, C.G.
- 5.Chief Executive Officer, Janpad Panchayat, Koyalibeda, District Kanker, C.G.
- 6.Gram Panchayat, Hariharpur, through its Secretary, Janpad Panchayat Koyalibeda, Pakhanjur, District Kanker, C.G.

----- Respondents

For Petitioners :- Mr. Sourabh Sahu, Advocate.
For State/Respondents:- Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

12/08/2021

1. Proceedings of this matter have been taken up through video conferencing.
2. Since common question of law and fact is involved in these writ petitions, they were heard together and are being disposed of by this common order.
3. Petitioners were working on the post of Gram Rojgar Sahayak on contract basis. They were initially appointed for one year and thereafter their services were extended on yearly basis. By the impugned order dated 13.02.2012 they have been terminated from the service.
4. Mr. Sourabh Sahu, learned counsel for the petitioners, submits that no reason has been assigned after consideration of petitioners' reply and by unreasoned and non speaking

order the impugned order has been passed which is stigmatic in nature and their future employment may be affected thereby, as such, the impugned order is liable to be set aside.

5. Mr. Ravi Bhagat, learned State counsel, supports the impugned order.

6. I have heard learned counsel for the parties and considered their rival submissions and also perused the record with utmost circumspection.

7. True it is that the petitioners were served with the show cause notice but their reply has not been considered by the Chief Executive Officer, Janpad Panchayat, holding that petitioners' reply is not satisfactory and they have been terminated from the service. The order reflects that there is no consideration of the reply filed by the petitioners and by the unreasoned and non-speaking order the impugned order has been passed, whereas, reply ought to have been considered and thereafter any decision could

have been taken by the respondent authority.

8. In that view of the matter, the impugned order 13.02.2012 qua the petitioners earlier is set aside. Since the contract period has already come to an end the petitioners would not get benefit for order of reinstatement, however, in the future the advertisement is issued by the respondents, the petitioners will be at liberty to participate in accordance with law.

9. The writ petition allowed partly to the extend indicated herein-above.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit