

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.3500 of 2010**

1. Gourishankar Rathore, son of Shri Parmeshwar Lal Rathore, aged 28 years
 2. Madhusudan Rathore, son of Ramnath Rathore, aged 50 years.
- Both are Occupation-Panchayat Kamri, Nagar Panchayat Saragaon, Tahsil-Champa, District Janjgir-Champa, Chhattisgarh

----- Petitioners**Versus**

1. State of Chhattisgarh through the Secretary, Department of Panchayat & Rural Development, D.K.S. Bhawan, Secretariat, Raipur
2. Nagar Panchayat Sargaon, through Chief Municipal Officer, Nagar Panchayat Saragaon, Tahsil Champa, District Janjgir-Champa, Chhattisgarh

----- Respondents**And****Writ Petition (S) No.7343 of 2010**

Mahendra Kumar Rathore, son of Shri Chandrika Prasad Rathore, aged 45 years, Occupation-Service, presently working as Panchayat Karmi, Nagar Panchayat Saragaon, Tahsil-Champa, District Janjgir-Champa (CG)

----- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Department of Panchayat & Rural Development, D.K.S. Bhawan, Secretariat, Raipur
2. Nagar Panchayat Sargaon, through Chief Municipal Officer, Nagar Panchayat Saragaon, Tahsil Champa, District Janjgir-Champa, Chhattisgarh

----- Respondents

For Petitioners	: Mr.Sourabh Sahu, Advocate
For Respondent No.1	: Mr.Ravi Bhagat, Dy.G.A.
For Respondent No.2	: None present though served

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****4.8.2021**

1. Proceedings of these matters have been taken-up through

video conferencing.

2. Since common question of fact and law are involved in these writ petitions, they were clubbed together, heard together and being disposed of by this common order.
3. Mr. Sourabh Sahu, learned counsel for the petitioners, would submit that order of termination dated 14.6.10 (Annexure P-1) in WPS No.3500/2010 and dated 11.11.2010 (Annexure P-1) in WPS No.7343/2010 have been passed against the petitioners by respondent No.2 without affording an opportunity of hearing holding them to be muster-roll employees, whereas they were not muster-roll employees. He would further submit that petitioner No.1 was appointed on 6.5.2001 and petitioner No.2 was appointed on 26.2.2005 in WPS No.3500/2010 and the petitioner was appointed on 28.8.2008 in WPS No.7343/2010 though on temporary basis, but they have been held to be muster-roll employees, whereas they were not muster-roll employees and as such, the impugned orders deserves to be set aside.
4. On the other hand, Mr. Ravi Bhagat, learned counsel for respondent No.1/State, would submit that it is respondent No.2 who has passed the impugned orders.
5. None present for respondent No.2, though served.
6. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and also went through the records with utmost circumspection.

7. It appears from the record that though the petitioners were working pursuant to their appointment orders (Annexure P-2) in both writ petitions, but it has not been mentioned that they are muster-roll employees and the impugned orders have been passed without affording an opportunity of hearing to the petitioners.
8. Once the petitioners were appointed and working for a fairly long time and they are not shown to be muster-roll employees, they ought to have been heard by respondent No.2.
9. Accordingly, the impugned order dated 14.6.10 (Annexure P-1) in WPS No.3500/2010 and the impugned order dated 11.11.2010 (Annexure P-1) in WPS No.7343/2010 both are hereby set aside. The matter is remitted to respondent No.2 who will afford an opportunity of hearing to the petitioners and thereafter pass a reasoned and speaking order, strictly in accordance with law.
10. The writ petitions are allowed to the extent indicated hereinabove. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-