

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1728 of 2012**

- Sukharam Padda S/o Shri Vakke Ram Padda, aged about 38 years, Occupation Service, Posted as Gram Rojgar Sahayak, at Gram Panchayat Uliya, Janpad Panchayat Koyalibeda, District Kanker, C.G., R/o Village Uliya P.S. Koyalibeda Pakhanjur Distt. Kanker C.G.

----- Petitioner**Versus**

- 1.State of Chhattisgarh through the Secretary, Department of Panchayat & Rural Development, D.K.S. Bhawan, Raipur, C.G.
- 2.The Collector Norh 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, Uliya, through its Secretary, Janpad Panchayat Koyalibeda, Pakhanjur, District Kanker, C.G.

----- Respondents

For Petitioner :- Mr. Sourabh Sahu, Advocate.

For State/Respondents :- Mr. Soumya Rai, PL

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

13/08/2021

1. Proceedings of this matter have been taken up through video conferencing.
2. Petitioner was working on the post of Gram Rojgar Sahayak on contract basis. He was initially appointed for one year and thereafter his service was extended on yearly basis. By the impugned order dated 13.02.2012 he has been terminated from the service.
3. Mr. Sourabh Sahu, learned counsel for the petitioner, submits that no reason has been assigned after consideration of petitioner's reply and by unreasoned and non speaking order the impugned order has been passed which is stigmatic in nature and his future employment may be affected thereby, as such,

impugned order is liable to be set aside.

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

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

6. True it is that the petitioner was served with the show cause notice but his reply has not been considered by the Chief Executive Officer, Janpad Panchayat, holding that petitioner's reply is not satisfactory and he has been terminated from the service. The order reflects that there is no consideration of the reply filed by the petitioner and by 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.

7. In that view of the matter, the impugned order 13.02.2012 qua the petitioner earlier is set aside. Since the contract period has

already come to an end the petitioner would not get benefit for order of reinstatement, however, in the future the advertisement is issued by the respondents, the petitioner will be at liberty to participate in accordance with law.

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

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit