

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1882 of 2021**

Chandan Singh Vishwakarma S/o Shri Gagneshwar Vishwakarma Aged About 37 Years R/o Village Farsera, Gram Panchayat Farsera, Block Mainpur, District Gariyaband (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Department, Mantralay, Mahanadi Bhawan, Atal Nagar, Naya Raipur (Chhattisgarh)
2. Commissioner Mahatma Gandhi National Rural Employment Guarantee Council (MGNREGA), Atal Nagar, Naya Raipur, Chhattisgarh.
3. Collector Gariyaband District Gariyaband (Chhattisgarh)
4. Chief Executive Officer Zila Panchayat, Gariyaband (Chhattisgarh), District Gariyaband (Chhattisgarh)
5. Chief Executive Officer Janpad Panchayat Mainpur, District Gariyaband (Chhattisgarh)

---- Respondents

For Petitioner	:	Ms. Meena Shastri, Advocate
For State	:	Mr. Vivek Ranjan Tiwari, Addl. A.G._

Hon'ble Shri Justice P. Sam Koshy
Order on Board

22/03/2021

1. The petitioner was appointed as Rozgar Sahayak of Gram Panchayat Farsera under Janpad Panchayat Mainpur, District Raipur w.e.f. 15.05.2007 on contractual basis and the contractual service got continued from time to time till the impugned order Annexure P/1 was passed on 06.03.2021.
2. By the impugned order, the petitioner's contract appointment has been terminated on certain allegations of committing irregularities in payment of the labourers and dereliction of duties.

3. It is argued that the contract appointment was continuing for a period of one year for each succeeding years, however, the same has been terminated without affording any opportunity of hearing or issuing show cause notice, therefore, the same is illegal and arbitrary being violation of the principles of natural justice enshrined under Article 14 of the Constitution of India.
4. On the other hand, learned counsel for the State, would submit that the petitioner was a contract appointee, therefore, if any complaint was made against him and he was found to have committed irregularities and dereliction in duties, the order of termination is fully justified.
5. Bare perusal of the impugned order of termination would manifest that the petitioner has been terminated with immediate effect. The order does not refer to any show cause notice or enquiry, wherein, the petitioner was allowed to participate. It is per se in violation of the principles of natural justice, which is clearly established from the language of the order of termination itself, therefore, for the reason that no order adverse to an individual be passed without following the principles of natural justice, as held by the Supreme Court in the matter of **State of Punjab & Ors. v. Senior Vocational Staff Masters Association & Ors. (AIR 2017 SC 4072)**, the impugned order Annexure P-1 dated 24/09/2019 deserves to be and is hereby quashed at the admission stage itself. However, liberty is reserved in favour of the competent authority to take appropriate action after giving opportunity of hearing to the petitioner or to take decision

about continuation of the petitioner's services at the end of completion of the period of contract appointment.

6. It is also made clear that the observations made in the preceding paragraphs of this order shall not be construed in favour of either parties and any action or proceeding initiated against the petitioner, after issuance of show cause notice against her, shall be decided strictly in accordance with its own merits and law.
7. The writ petition is allowed to the extent indicated above.

Sd/-
(P. Sam Koshy)
Judge

Ved