



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2107 OF 2021

Faguram s/o Nattelal Nagpure, aged
about 42 years, Occupation : Labour,
R/o Khedepar, Post Sonpuri,
Tah. Salekasa, District Gondia

... PETITIONER

VERSUS

1. The State of Maharashtra, through
its Chief Secretary, Planning
Department, Mantralay, Mumbai –
400 032
2. The Collector, Gondia, District
Gondia.
3. Sub Divisional Officer, Salekasa, Tah.
Salekasa, Dist. Gondia.
4. Zilla Parishad, Gondia, through its
Chief Executive Officer, District
Gondia.
5. Block Development Officer,
Panchayat Samiti Salekasa, District
Gondia
6. Gram Panchayat Khedepar, through
its Secretary, Tahsil Salekasa, Dist.
Gondia.
7. Gram Panchayat Khedepar, through
its Sarpanch, Tahsil Salekasa, Dist.

Gondia.

... RESPONDENTS.

Shri D.V. Mahajan, Advocate for the petitioner.
Shri Luley, Assistant Government Pleader for the State.
Shri O.L. Gupta, Advocate for respondent nos.6 and 7.

CORAM : VINAY JOSHI AND SMT. M.S. JAWALKAR, JJ.
DATED : 18.06.2024.

ORAL JUDGMENT : (Per : Vinay Joshi, J.)

RULE. Rule made returnable forthwith.

2. The matter is taken up for final disposal by consent of both sides.

3. The petitioner was appointed as a Gram Rojgar Sevak, Gram Panchayat Khedepar, Tah. Salekasa, District Gondia. The petitioner has been terminated vide impugned order dated 20.09.2019 on the ground of misrepresentation and creation of false record. Rather the action was based on the inquiry report conducted by the Block Development Officer. The petitioner assailed the impugned order on the sole ground that the procedure prescribed in Rule 2(D) of the Government Resolution (GR) dated 02.05.2011 has not been followed.

4. In other words, an opportunity was not given to the petitioner to be heard and thus, there is violation of principles of natural justice and therefore, the impugned order is unsustainable. Learned Counsel for respondent nos.6 and 7 would contend that the petitioner was served with notice however he did not appear and therefore, the petitioner could not take a plea of not giving a fair opportunity to defend himself.

5. Undisputedly, a procedure has been prescribed in the GR dated 02.05.2011 for appointment and removal of Gram Rojgar Sevak. Clause 2(D) of the GR provides that the decision about termination of service of any Gram Rojgar Sevak must be taken by the Gram Sabha that too by giving him an opportunity to defend himself. The petitioner has filed a copy of representation dated 27.09.2019, wherein also within one week he raised a similar grievance that though the notice was served, opportunity was not provided to put up his grievance.

6. We have gone through the impugned termination order dated 20.09.2019. Pertinent to note that the order of termination speaks about the allegations proved against the petitioner and the decision of termination. The order is totally silent whether the petitioner was present or an opportunity has been afforded to the

petition to put up his case. We cannot assume the compliance of Clause 2(D) of the GR dated 02.05.2011 in absence of any material. Since the requisite procedure has not been followed, the impugned order would not sustain.

7. In the result, the petition is allowed. We hereby quash and set aside the impugned order of termination dated 20.09.2019. The matter is remanded back to the respondent nos.6 and 7 for taking appropriate decision in the matter by following a procedure prescribed in the GR dated 02.05.2011, in particular about giving an opportunity of hearing to the petitioner.

8. Rule made absolute in above terms. No costs.

(SMT. M.S. JAWALKAR, J.)

(VINAY JOSHI, J.)

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