CGHC010144482021 2026:CGHC:45052

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3224 of 2021

Ashok Narayan Bairagi S/o Shri Bhojdas Bairagi Aged About 39 Years Working As Technical Assistant, At Janpad Panchayat Baikunthpur, P. S. Baikunthpur, District Koriya Chhattisgarh

Petitioner(s)

Versus

RAHUL JHA
Digitally signed by RAHUL JHA
Date: 2026.10.27 10:19:43 +0530

1 - State Of Chhattisgarh Through Secretary, Panchayat And Gramin Vikas Vibhag, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh

2 - Collector Koriya, District Koriya Chhattisgarh

3 - Chief Executive Officer Zila Panchayat Koriya, District Koriya Chhattisgarh

4 - Chief Executive Officer Janpad Panchayat Baikunthpur, District Koriya Chhattisgarh

5 - Program Officer (M G N R E G A) Baikunthpur, Janpad Panchayat Baikunthpur, District Koriya Chhattisgarh

Respondent(s)

(Cause-title taken from CIS)

For Petitioner(s)	:	Mr. A.K. Yadav, Advocate
For Resp/State	:	Mr. Soumitra Kesharwani, PL
For Resp No. 3 to 5	:	Mr. Ravish Verma, Advocate

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

26.10.2026

1. The petitioner has filed the present writ petition challenging the order dated 03.06.2021 passed by the Chief Executive Officer, Zila Panchayat, Koriya, whereby the contractual services of the petitioner, who was working as Technical Assistant under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), have been terminated.

2. Learned counsel for the petitioner submits that although an inquiry was conducted by a Committee constituted by the Zila Panchayat and a show-cause notice was issued to the petitioner on the basis of the allegations of misconduct emerging therefrom, the petitioner submitted a detailed explanation controverting the allegations levelled against him. However, the authority, while passing the impugned order, has neither considered the explanation submitted by the petitioner nor assigned any reason for rejecting the same. The authority has merely observed that the reply submitted by the petitioner was not found satisfactory and, on that basis, proceeded to terminate his contractual services by passing a non-speaking order. Learned counsel for the petitioner further submits that the authority has recorded a separate finding with regard to the Annual Confidential Report (ACR) of the petitioner while exercising powers under Rule 11 of the MGNREGA Rules, although the relevant ACR had never been communicated to the petitioner. It is, therefore, contended that the impugned order has been passed in violation of the principles of natural justice and is unsustainable in law.

3. Learned counsel appearing for the respondents opposes the submissions made on behalf of the petitioner and supports the impugned order and submits that the petitioner was afforded due opportunity to explain the allegations before the impugned order was passed. It is further submitted that the

petitioner's ACR/PAR was assessed as "Average" and, in view of his unsatisfactory work performance, his contractual services were not extended in accordance with the applicable rules. Hence, no illegality or infirmity warrants interference by this Court.

4. I have heard learned counsel for the parties and perused the material available on record.

5. From a perusal of the impugned order, it appears that although an inquiry was conducted by the Committee constituted by the Zila Panchayat and an explanation was submitted by the petitioner in response to the show-cause notice, the authority has not dealt with the explanation submitted by the petitioner or recorded any reasons for rejecting the same. The mere observation that the reply submitted by the petitioner was not found satisfactory, without disclosing any consideration of the defence raised by him, does not reflect due application of mind on the part of the authority. The impugned order, insofar as it proceeds on the allegations of misconduct, is thus vitiated by the absence of adequate reasons.

6. Further, the authority has also relied upon the ACR of the petitioner while passing the impugned order, though the same had not been communicated to him. The petitioner was, therefore, deprived of an opportunity to represent against the adverse entries, if any, contained therein. The reliance placed upon an uncommunicated ACR, without affording the petitioner an appropriate opportunity in accordance with law, raises a further infirmity in the decision-making process.

7. In view of the aforesaid facts and circumstances, this Court is of the considered opinion that the impugned order dated 03.06.2021 cannot be sustained and is liable to be quashed. Accordingly, the impugned order dated 03.06.2021 passed by the Chief Executive Officer, Zila Panchayat, Koriya, is hereby quashed.

8. However, the respondents shall be at liberty to proceed afresh in accordance with law, if so advised, after duly considering the explanation submitted by the petitioner, affording him an appropriate opportunity of hearing and passing a reasoned order. In case the respondents propose to rely upon the petitioner's ACR, they shall proceed in accordance with the applicable rules and the principles of natural justice.

9. With the aforesaid observations and liberty, the writ petition is allowed.

Sd/-

(BIBHU DATTA GURU)
JUDGE

Rahul