CGHC010291452026 2026:CGHC:43501

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5758 of 2026

Sitaram Patel S/o Late Makhan Lal Patel Aged About 47 Years R/o Behind Radha Krishna Temple, Kashinagar, District Korba (C.G.)

... Petitioner

versus

1 - State of Chhattisgarh Through The Secretary, Department of Health Services, Mantralaya, Mahanadi Bhawan, Nawa Raipur- Atal Nagar, District Raipur (C.G.)

2 - Collector District Korba (C.G.)

3 - Sub-Divisional Officer (Revenue) Korba, District- Korba (C.G.) (Ex-Officio Chairman, Jeevan Deep Samiti, Primary Health Centre, Korba, District-Korba)

4 - Chief Medical And Health Officer Korba, District Korba (C.G.)

5 - Block Medical And Health Officer Primary Health Centre, Block- Korba, District Korba (C.G.)

6 - In-Charge Medical Officer Rani Dhanraj Kunwardevi, City Community Health Centre, Korba, District Korba (C.G.)

7 - Jeevan Deep Samiti Through Its Secretary, Primary Health Centre Korba, Block- Korba, District Korba (C.G.)

... Respondents

ASHUTOSH MISHRA
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Date: 2026.10.07 17:58:08 +0530

For Petitioner	:	Mr. Vikas Dubey, Advocate
For State/Respondent Nos. 1 to 6	:	Mr. Soumitra Kesharwani, PL
For Respondent No.7	:	Ms. Akanksha Verma Dabhadker, Advocate appears on behalf of Mr. Suyashdhar Badgaiya, Advocate

(Hon'ble Shri Justice Bibhu Datta Guru)

Order on Board

07/10/2026

1. By the present writ petition, the petitioner has called in question the order dated 14.07.2026 (Annexure P/1) passed by respondent No.6, whereby the services of the petitioner have been terminated/removed.

2. Learned counsel for the petitioner submits that the petitioner was working as an employee under respondent No.7 and had discharged his duties satisfactorily. It is submitted that a complaint was made against the petitioner alleging demand of money in connection with preparation of pension papers of one Smt. Sunita Lal, Retired Woman Supervisor. Learned counsel for the petitioner submits that the aforesaid allegation was specifically denied by the complainant herself. It is further submitted that, notwithstanding the same, a Committee constituted by the Chief Medical and Health Officer conducted an enquiry and, on the basis of the report of the said Committee, the impugned order of removal has been passed. Learned counsel for the petitioner submits that the impugned order is not an order of simpliciter termination, as sought to be contended by the respondents, but is clearly stigmatic and punitive in nature, since the order proceeds on the basis of the alleged complaint and the finding recorded by the Enquiry Committee that the

allegations/charges against the petitioner were found proved. It is contended that once the order of removal is founded upon such a finding of misconduct, the same could not have been passed without holding a proper departmental enquiry and affording due opportunity of hearing to the petitioner. It is further submitted that the complaint, the report of the Committee and the impugned order, read together, clearly disclose that the action against the petitioner has been founded upon an allegation of misconduct and the finding recorded against him. Thus, according to learned counsel for the petitioner, the order casts stigma upon the petitioner and cannot be sustained merely by describing it as a simpliciter order of termination.

3. Per contra, learned counsel appearing for the State/respondents submits that the petitioner was an employee of respondent No.7 and a complaint had been received against him. It is submitted that an enquiry was conducted by the Committee constituted by the Chief Medical and Health Officer and the allegations against the petitioner were found proved. On the basis of the said report, the impugned order has been passed. Learned counsel further submits that the order impugned is simpliciter in nature and no stigma has been cast upon the petitioner so as to warrant interference by this Court.

4. I have considered the submissions advanced by learned counsel for the parties and have perused the impugned order as well as the material placed on record.

5. From a perusal of the impugned order, it is apparent that the action taken

against the petitioner is founded upon the complaint made against him and the enquiry conducted by the Committee constituted by the competent authority. The impugned order proceeds on the basis of the finding recorded against the petitioner with regard to the allegations levelled against him. Therefore, merely because the order has been couched in the form of an order of termination/removal, the same cannot be treated as a simpliciter order when the foundation of the order is the alleged misconduct and the finding recorded in respect thereof.

6. The distinction between a simpliciter termination and an order which is punitive or stigmatic is well settled. If the termination is founded upon misconduct and the authority arrives at a finding that the allegations against the employee are proved, such finding cannot form the foundation of an order of termination without following the procedure prescribed by law and without affording the concerned employee an appropriate opportunity of hearing in a duly conducted departmental enquiry.

7. The Hon'ble Supreme Court in ***Swati Priyadarshini vs. State of Madhya Pradesh, reported in 2024 SCC OnLine SC 2139***, has considered the aforesaid issue and has held that even in the case of a contractual appointment, where a stigmatic order is proposed to be passed, the same cannot be passed without holding a proper enquiry and affording due opportunity of hearing to the concerned employee. Likewise, the Co-ordinate Bench of this Court in W.P.(S) No.4969/2015, ***Digambar Chandrakar vs. State of Chhattisgarh & Others, decided on 22.08.2024,*** has also considered the aforesaid principle and has held that

where an order is stigmatic or founded upon an allegation of misconduct, the concerned authorities are required to hold a proper departmental enquiry after affording due opportunity of hearing to the delinquent/employee.

8. In the present case, the respondents have relied upon the enquiry conducted by the Committee constituted by the Chief Medical and Health Officer and the finding recorded therein for passing the order of removal against the petitioner. Thus, the finding of misconduct is not merely a motive for termination but constitutes the foundation of the impugned action. Consequently, the impugned order cannot be sustained as a simpliciter order of termination.

9. In view of the aforesaid discussion and the law laid down by the Hon'ble Supreme Court as well as this Court, this Court is of the considered opinion that the impugned order dated 14.07.2026 (Annexure P/1), having been passed on the basis of a finding of misconduct without conducting a proper departmental enquiry and without affording the petitioner due opportunity of hearing in accordance with law, cannot be sustained.

10. Accordingly, the impugned order dated 14.07.2026 (Annexure P/1) is hereby quashed. However, it is made clear that quashing of the impugned order shall not preclude the respondent authorities from taking appropriate action against the petitioner, if so advised, by initiating and conducting a proper departmental enquiry in accordance with law, after affording the petitioner due opportunity of hearing and by following the

principles of natural justice. The petitioner shall be entitled to consequential benefits flowing from quashing of the impugned order, in accordance with law.

11. In the result, the writ petition is allowed to the aforesaid extent.

SD/-
(Bibhu Datta Guru)
JUDGE

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