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IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE SANJAY DWIVEDI
ON THE 2nd OF MARCH, 2022

WRIT PETITION No. 4875 of 2022

Between:-
DILEEP KUMAR YADAV

.....PETITIONER

(BY SHRI VDS CHOUHAN, ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY PANCHAYAT DEPTT VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)
2. COLLECTOR BETUL DISTRICT BETUL (MADHYA PRADESH)
3. JILA PANCHAYAT THROUGH ITS CHIEF EXECUTIVE OFFICER DISTRICT BETUL (MADHYA PRADESH)
4. JANPAD PANCHAYAT THROUGH ITS CHIEF EXECUTIVE OFFICER DISTRICT BETUL (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI MANAS MANI VERMA, GOVERNMENT ADVOCATE)

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This petition coming on for admission this day, the court passed the following:

ORDER

By the instant petition, the petitioner is challenging the order dated 23/11/2021 (Annexure-P-1), whereby Collector, Betul (respondent no.2) has terminated the contract services of the petitioner from the post of Gram Rojgar Sahayak on the ground that he was found involved in misappropriating the government money by committing financial irregularity to the tune of Rs.1,53,187/-.

The foremost ground of challenging the impugned order is that before fathoming out the alleged financial irregularity, neither any opportunity was granted to the petitioner nor any enquiry was conducted by any authority. The learned counsel for the petitioner submits that such a conduct of the authority is absolutely

illegal and infringes the provisions of policy framed by M.P. Rajya Rojgar Guarantee Council laying down the guidelines under which Gram Rojgar Sahayaks are controlled. In the said guidelines, it is stipulated that as to in what manner the contract services can be terminated and without giving any reasonable opportunity of hearing, it cannot be terminated on the ground of any misconduct. He further submits that it is a settled principle of law that any order passed by the authority which carries civil consequences, cannot be passed without giving opportunity of hearing to the person concerned. While imprecating the impugned order as is issued by the authority without adhering to the principles of natural justice, learned counsel for the petitioner to reinforce his contention, banks on order passed by this Court in W.P.No.3994/2020 (**Om Prakash Bhalavi Vs. The State of Madhya Pradesh and others**), whereby the operation of order terminating the contract services has been stayed and that petition is pending for final ordain.

Much to the surprise, the Collector, being a head of the District holding such a responsible post, is unenlightened of the provisions contained in the policy, under which Gram Rojgar Sahayaks are appointed or their services are terminated. Indeed, it is the consistent view of the Court that any order passed violating the principles of natural justice is illegal and is not sustainable in the eyes of law. However, by issuing such type of order, the authority in one sense, is providing aid to the persons like petitioner to fetch an interim order from this Court, which would ostensibly tantamount to external support. Inevitably, whether the petitioner remained involved in any financial irregularity, is the subject matter of enquiry, which would definitely unravel the complexities.

In view of the existing circumstances, rather to keep the petition pending, it is apposite to set aside the impugned order which is apparently illegal and unsustainable in the eyes of law by remitting the matter to the authorities for taking appropriate action against the petitioner after following the principles of natural justice or the procedure as has been laid down in the policy of M.P.Rojgar Guarantee Council laying down the guidelines controlling the services of Gram Rojgar Sahayaks.

Let a copy of this order be forwarded to the Chief Secretary so as to keep

him abreast about dispensing of official obligations by the subordinates wholly oblivious to the principles of natural justice and manifesting their heedlessness in passing the order.

Accordingly, this petition is allowed. The impugned order dated 23/11/2021 (Annexure-P-1) is set aside with liberty as has been granted herein above to the respondents.

(SANJAY DWIVEDI)
JUDGE

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