

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 2125 of 2019**

- Sangeeta Netam D/o. Samaru Ram Netam, aged about 20 years, posted as Village Employment Assistant, Village Panchayat Sero, Janpad Panchayat Malkharoda, District Janjgir-Champa (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through : Secretary, Panchayat and Rural Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur (C.G.)
2. Collector, Janjgir, District Janjgir-Champa (C.G.)
3. Chief Executive Officer, Janpad Panchayat Malkharoda, District Janjgir-Champa (C.G.)

---- Respondents**W.P.(S) No. 2134 of 2019**

- Bablu Das son of Pardeshi Ram, aged about 26 years, R/o. Village Panchayat Andi, Tahsil Malkharoda, District Janjgir-Chama (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through : Secretary, Panchayat and Rural Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur (C.G.)
2. Collector, Janjgir, District Janjgir-Champa (C.G.)
3. Chief Executive Officer, Janpad Panchayat Malkharoda, District Janjgir-Champa (C.G.)

---- Respondents**W.P.(S) No. 2137 of 2019**

- Nageshwari Chandra, wife of Pawan Singh Chandra, aged about 32 years, posted as Village Employment Assistant, Village Panchayat Bhutaha, Janpad Panchayat Malkharoda, District Janjgir-Champa (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through : Secretary, Panchayat and Rural Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur (C.G.)
2. Collector, Janjgir, District Janjgir-Champa (C.G.)
3. Chief Executive Officer, Janpad Panchayat Malkharoda, District Janjgir-Champa (C.G.)

---- Respondents**And**

W.P.(S) No. 2505 of 2019

- Pushpa Banjare D/o. Rup Singh Banjare, aged about 29 years, posted as Village Employment Assistant, Village Panchayat Pirda, Janpad Panchayat Malkharoda, District Janjgir-Champa (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through : Secretary, Panchayat and Rural Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur (C.G.)
2. Collector, Janjgir, District Janjgir-Champa (C.G.)
3. Chief Executive Officer, Janpad Panchayat Malkharoda, District Janjgir-Champa (C.G.)

---- Respondents

For Respective Petitioners	:	Mr. Shikhar Sharma and Mr Yogesh Chandra, Advocates
For Respondents No. 1 & 2/State	:	Mr. R.M. Solapurkar, Govt. Advocate
For Respondent No. 3	:	Mr. Alok Bakshi, Advocate in W.P.(S) No. 2125/2019 and Mr. Manharanlal Sahu, Advocate appears on behalf of Mr. Rajat Agrawal, Advocate in W.P.(S) No.2134/2019 & W.P.(S) No. 2137/2019

Hon'ble Shri Justice Rakesh Mohan Pandey**Order on Board****30.11.2023**

1. In these petitions common issue is involved, therefore, they are heard together and are disposed of by this common order.
2. The petitioners have challenged the letter dated 07.05.2018 (Annexure- P/1 in all the petitions), whereby respondent No. 3 declined to renew their contract appointment further.
3. The facts of the present case are that the petitioners were appointed as Village Employment Assistants under Mahatma Gandhi National Rural Employment Guarantee Scheme by respondent No. 3 i.e. Chief Executive Officer, Janpad Panchayat Malkharoda, District Janjgir-Champa (C.G.) on contract basis sometime in the year 2017. The petitioners joined their services, but after completion of tenure, respondent No. 3 declined to renew their contract appointments and thus their services were discontinued. The

petitioners filed their reply and made a request to continue the employment. The Sarpanch and Secretary of the concerned Gram Panchayat also recommended for renewal.

4. Learned counsels appearing for the petitioner would submit that the services of the petitioners were discontinued without affording any opportunity of hearing contrary to the terms and conditions of the appointment order. They would further submit that the petitioners underwent training as Master Trainers and after the impugned order dated 07.05.2018 the petitioners were deployed in various works by the District Collector and other authorities and remuneration for that period has not been paid, thus, they would pray to set aside the order (Annexure - P/1) dated 07.05.2018 and to direct the respondents to make payment of remuneration of the petitioners for the period they worked after 07.05.2018.
5. Learned counsels appearing for the respondents would oppose. They would submit that the petitioners were appointed on contract for one year and their appointment was purely temporary in nature and after completion of the period, the contract was not extended. It is further argued that the petitioners were not removed on any allegation of misconduct and simply their services were discontinued and the same is permissible according to the provisions of Rule 11 (5) of the Chhattisgarh Civil Sewa (Samvida Niyukti) Niyam, 2012. They would also submit that the removal of the petitioners is not stigmatic, therefore, there was no need for an inquiry. They would further contend that if the petitioners were deployed for any work after 07.05.2018 the remuneration would be paid, if already not paid, strictly in accordance with law.
6. I have heard learned counsel appearing for the parties and perused the documents present on record.
7. From a perusal of the documents, it appears that the petitioners have been appointed by respondent No. 3 to the post of Village Employment Assistant

vide separate orders dated 26.07.2008, 10.02.2017 and 17.02.2017 for a period of one year on a contract basis. Vide order dated 07.05.2018 respondent No.3 did not renew the contract services of the petitioners. Undisputedly, the petitioners were contractual appointees and after completion of the period mentioned in the appointment order, the authority declined to renew the services.

8. Rule 11 (5) of the Chhattisgarh Civil Sewa (Samvida Niyukti) Niyam, 2012 provides as under:-

“11. Period of Appointment.–

(5) Either of both the parties may terminate the contract appointment during the period of contract appointment by giving one month's notice in advance or paying one month's salary in its place.”

9. A perusal of the communication dated 07.05.2018 (Annexure- P/1) would reveal that the services of the petitioners were discontinued in accordance with the above-stated rule and the order dated 07.05.2018 is not stigmatic therefore, in the considered opinion of this Court, there was no need to hold any inquiry before passing such an order.
10. The petitioners have sought relief to set aside the order/intimation dated 07.05.2018 however this relief cannot be granted. With regard to payment of remuneration for that period, it is stated that the petitioners were deployed after 07.05.2018, therefore it is directed that if the petitioners have worked after 07.05.2018 in any capacity under the respondents they shall submit the material in this regard before the respondent No.3 and respondent No. 3 would be under obligation to consider such representation and make payment of remuneration strictly in accordance with law, if already not paid.
11. With the aforesaid observation(s), these petitions are disposed of.

Sd/-

(Rakesh Mohan Pandey)
Judge