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**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE  
HON'BLE SHRI JUSTICE VIVEK RUSIA**

**ON THE 31<sup>st</sup> OF AUGUST, 2023**

**WRIT PETITION No. 20630 of 2023**

**BETWEEN:-**

**APPUSINGH S/O SOHJYA DAWAR, AGED ABOUT 36  
YEARS, OCCUPATION: NA R/O GRAM NAWALPURA  
TEHSIL SENDHWA DISTRICT BARWANI (MADHYA  
PRADESH)**

**.....PETITIONER**

***(SHRI SIDDHARTH JAIN, ADVOCATE.)***

**AND**

- 1. THE STATE OF MADHYA PRADESH THROUGH  
PRINCIPAL SECRETARY, PANCHAYAT AND  
RURAL DEVELOPMENT DEPARTMENT, VALLABH  
BHAWAN, BHOPAL (MADHYA PRADESH)**
- 2. COLLECTOR, DISTRICT BARWANI, COLLECTOR  
OFFICE, BARWANI (MADHYA PRADESH)**
- 3. CHIEF EXECUTIVE OFFICER, ZILA PANCHAYAT,  
BARWANI, DISTRICT BARWANI (MADHYA  
PRADESH)**
- 4. CHIEF EXECUTIVE OFFICER, JANPAD  
PANCHAYAT, SENDHWA DISTRICT BARWANI  
(MADHYA PRADESH)**

**.....RESPONDENTS**

***(SHRI KUSHAL GOYAL, DEPUTY ADVOCATE GENERAL FOR THE  
RESPONDENT/STATE.)***

.....  
*This petition coming on for orders this day, the court passed the  
following:*

**ORDER**

01. Vide order dated 09.12.2010, this petitioner was appointed as Gram

Rojgar Sahayak on contractual basis on the fixed honararium of Rs.3200/- per month. As many as 23 conditions of appointment are provided in the appointment order. M.P. Rajya Rojgar Guarantee Parishad issued directions for appointment and service condition of the Gram Rojgar Sahayak. The Gram Rojgar Sahayak are liable to be terminated under Clause No.16 of the aforesaid directions which are reproduced below:

16. संविदा सेवा समाप्ति- ग्राम रोजगार सहायक की संविदा सेवा अवधि पूर्ण होने के पूर्व निम्न विशेष स्थितियों में ग्राम पंचायत द्वारा समाप्त की जा सकेगी-
  1. सेवा अवधि के दौरान व्यक्तिगत एव्ां नामजद आपराधिक प्रकरण के संबंध में प्रथम सूचना रिपोर्ट (एफआईआर/चार्ज) होने पर अथवा 48घण्टे से अधिक निरुद्ध रहने पर ।
  2. अधिकृत प्रशिक्षण में अनुपस्थित होने अथवा प्रशिक्षण को पर्याप्त कारण वगैर मध्य अवधि में छोड़ने पर अथवा प्रशिक्षण में अन्य गंभीर लापरवाही करने पर ।
  3. बगैर सूचना के एक माह से अधिक मुख्यालय में अनुपस्थित होने पर।
  4. स्वयं का त्यागपत्र देने पर ।
  5. संबंधित के पागल/दिवालिया घोषित होने पर ।
  6. अनियमित व त्रुटिपूर्ण नियुक्ति प्रमाणित होने पर ।
  7. मुख्य कार्यपालन अधिकारी जिला पंचायत द्वारा पारित आदेश के अनुक्रम में अनियमितता एवं कर्तव्य निर्वहन में घोर लापरवाही प्रमाणित होने पर ।
  8. ग्राम पंचायत का अस्तित्व होने पर ।

02. The petitioner while working as Gram Rojgar Sahayak in Gram Panchayat Navalpura said to have committed various irregularities during 2016 to 2021. A team was constituted to enquire about the said irregularities. The enquiry team submitted a report against the petitioner. Thereafter, a show-cause notice was issued to the petitioner as well as direction was given to register an FIR and accordingly an FIR at application No.490 was registered under

Sections 420, 409, 467 and 468 of IPC on 05.08.2021 and this applicant was arrested and ultimately released on bail by the order of this Court.

03. Although he submitted a reply to the show-cause notice denying the charges but vide impugned order contractual appointment has been terminated. The petitioner has challenged the aforesaid order, *inter alia*, on the ground that no enquiry has been conducted before terminating the petitioner. It is further submitted that the order is stigmatic, therefore, an enquiry ought to have been conducted.

04. The order cannot be more stigmatic than a registration of FIR and retention in jail for 48 hours however, the said stigma can be removed only after acquittal in the criminal case. But as per Clause 16.1 if any Gram Rojgar Sahayak found involved in a criminal case and FIR is registered and retained for more than 48 hours in the custody then, the contract appointment is liable to be terminated. Apart from the allegations against him in the impugned order under Clause 16.1 his services are liable to be terminated.

05. Learned counsel for the petitioner has placed reliance on the judgments passed by this Court in the case of ***Bharat Singh More v/s The State of M.P. and others in W.P. No.2174/2018(S)***, ***Mahendra v/s The State of M.P. and others in W.P. No.8170/2021*** and ***Satyam Sen v/s State of M.P. and another in W.P. No.19582/2017***, ***Jitendra v/s State of M.P. and others reported in 2008(4) MPLJ 670***, ***Rahul Tripathi v/s Rajeev Gandhi Shiksha Mission reported in 2001(3) MPHT 397*** in which the impugned order has been set aside treating it to be a stigmatic order. In the case of ***Bharat Singh More*** (supra), Clause 16.1 has not been considered and in the case of ***Satyam Sen*** (supra) it was a case of termination under Clause 16.6, therefore, the order was treated as stigmatic. In case of ***Mahendra*** (supra) Clause 16.1

was not there and the termination was simplicitor on the ground of misconduct.

06. In view of the above, no case for interference is made out. Accordingly, Writ Petition is dismissed.

**(VIVEK RUSIA)  
JUDGE**

Divyansh

