

(2008) 12 AHC CK 0321
In the Allahabad High Court

Anuj Gandhi

APPELLANT

Vs

State of U.P.& Others

RESPONDENT

Date of Decision : 05-12-2008

Acts Referred:

Citation : (2008) 12 AHC CK 0321

Hon'ble Judges : Janardan Sahai, J and R.K.Rastogi, J

Final Decision : Disposed Of

Judgement

R.K. Rastogi, J.

The petitioner was appointed on contract basis as a Medical Officer at Primary Health Centre, Nagla Chura, Firozabad. The services of the petitioner have been terminated by an order of the Chief Medical Officer, Firozabad dated 4.11.2008 with effect from 4.12.2008 giving one month notice as required under the terms of the contract. In the order it is stated that the services of the petitioner were found unsatisfactory. It is stated in the order that he was absent between 25.9.2008 to 27.9.2008 and also on 15.10.2008 when inspection was made by the Chief Secretary.

Learned counsel for the petitioner submitted that in fact the petitioner had been assigned duties in respect of flood affected areas by an order dated 22.9.2008, copy of which has been filed as Annexure5 to the writ petition and therefore as the petitioner was attending the duties in flood affected areas, absence of the petitioner at Primary Health Centre was explainable.

We have heard learned standing counsel also.

In the facts and circumstances, we dispose of the writ petition with the direction to the Chief Medical Officer, Firozabad that in case the petitioner files a representation within a period of one week from today showing cause of absence, the said representation may be considered by the Chief Medical Officer, Firozabad and in case it is found that the petitioner has given proper explanation for his absence from Primary Health Centre and was working in flood affected

area, appropriate orders may be passed on the representation for recalling the order of termination. The decision may be taken by the Chief Medical Officer, Firozabad within a period of one week from the date the petitioner files a representation along with certified copy of this order.