
(2018) 01 MP CK 0207
In the Madhya Pradesh High Court
Case No : 6600 of 2017

Dilip Singh Chauhan

APPELLANT

Vs

State of Madhya Pradesh and others

RESPONDENT

Date of Decision : 05-01-2018

Acts Referred:

Citation : (2018) 01 MP CK 0207

Hon'ble Judges : Vandana Kasrekar

Bench : Single Bench

Advocate : K.C. Ghildiyal, Nirmala Nayak

Judgement

1. The petitioner has filed the present petition challenging the order dated 18.04.2017 whereby the services of the petitioner were terminated on

the ground that the petitioner has been found negligent in performance of his duties.

2. Brief facts of the case are that in pursuance to an advertisement issued by respondent No. 2 for appointment on the post of Sub Engineer on

contract basis, the petitioner has submitted his application for appointment on the said post. The petitioner after facing the selection process was

appointed on the post of Sub Engineer vide order dated 04.10.2012 and was posted at Janpad Panchayat, Sohagpur. Initially, the period of

contract was for a period of one year, however, the same has been extended from time to time. The petitioner was discharging his duties with full

dedication, however, the progress work by the Gram Panchayats and other agencies involved in the works were not satisfactory. Therefore, the

petitioner has issued show cause notices from time to time. Thereafter, a notice was issued on 25.11.2016 which was general in nature pointing out

certain deficiencies in performance of Sub Engineers. Another letter was issued to the petitioner on 20.12.2016 whereby, the petitioner was asked

to achieve the target within the stipulated time framed, failing which it was stated that the contract service of the petitioner shall be treated to have

been terminated automatically. The petitioner made all efforts to achieve the target within stipulated period of time and the progress report was

available with the respondents. Thereafter, respondent No. 4 had passed an order dated 18.04.2017 thereby terminating the contract of the

petitioner and in lieu of notice, the petitioner was paid a month's salary. Being aggrieved by that order, the petitioner has filed the present petition.

3. Learned counsel for the petitioner submits that the order dated 18.04.2017 issued by respondent No. 4 is illegal, arbitrary, malafide and in

violation of the basic principles of natural justice. He submits that the petitioner has never shown any negligence in performance of his duties and he

has never been issued any warning or counseling with regard to the deficiency in his performance. He further submits that the order is stigmatic in

nature and such a stigmatic order cannot be passed and services cannot be terminated without holding a regular departmental enquiry. For the said

purpose, he relied on the judgments passed by this Court in the cases of Rahul Tripathi Vs. Rajeev Gandhi Shiksha Mission, 2001 (3) MPHT 397,

Rajendra Tiwari alias Raju Vs. State of M.P. & others, 2005 (3) MPHT 69 and Jitendra Vs. State of M.P. & others, 2008 (5) MPHT 146.

4. The respondents have filed their reply and submits that the petitioner was appointed on the post of Sub Engineer on contract basis. In the

appointment order of the petitioner specific condition was prescribed that the services of the contractual employee may be terminated at any time

by giving one month's notice. It was also prescribed in the conditions stipulated in the appointment order that the person appointed on contract

basis would not be entitled for any regularization. She further submits that the petitioner who was worked as Sub Engineer was totally negligent in

discharging his duties. He was continuously not completing the work assigned to him from time to time. Earlier, also a show cause notice was

issued to the petitioner for terminating his services. The respondents had denied that the respondents have required to initiate any departmental

enquiry before terminating the services of the petitioner.

5. Having considered the submissions made by learned counsel for the parties as well as in view of the above cited judgments, this Court is of the

view that the impugned termination order being stigmatic in nature alleging misconduct involving moral turpitude, the same could not have been

passed without holding regular enquiry. The impugned termination order would certainly create hurdle in his future employment. In the

circumstances, before passing such an stigmatic order, regular enquiry ought to have been conducted.

6. As a result, the impugned order dated 18.04.2017 is hereby quashed. The petitioner shall be entitled to reinstate with consequential benefits.

However, liberty is granted to the respondents to proceed against the petitioner afresh in accordance with law, if so advised.

7. Accordingly, the writ petition stands allowed to the extent indicated herein above.