

(2009) 05 JH CK 0064
In the Jharkhand High Court

Jevan Kujur

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 08-05-2009

Acts Referred:

Citation : (2009) 05 JH CK 0064

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Judgement

D.N. Patel, J.—Learned Counsel for the petitioner submitted that petitioner was appointed somewhere in the year 1987 as Godown Chowkidar with the respondent authorities by following the due procedure of law as Clause-IV. He was also paid salary by the respondents. No grievance has ever been ventilated by the respondent authorities against the working of the present petitioner and suddenly in the year, 2002 vide order dated 16th September, 2002 at Annexure 12 as well as vide order dated 4th October 2002 at Annexure 13, the services of the present petitioner has been brought to an end by the respondent authorities without issuing any notice and without giving any opportunity of being heard to the petitioner. Several times thereafter, representations have been preferred orally as well as in writing by the present petitioner, but, the respondents have turned deaf ear to the such representations and, therefore, this writ petition has been preferred by the petitioner.

2. I have heard learned Counsel for the respondents, who has submitted that the petitioner was never appointed in accordance with law and, therefore, his services has been brought to an end. Detailed speaking orders have been passed on 16th September, 2002 at Annexure 12 and, thereafter, on 4th October, 2002 at Annexure 13 to the memo of the present petition, and, therefore, there is no substance in the present petition and the same deserves to be dismissed.

3. In view of the aforesaid submissions, I hereby quash and set aside the order of termination of the present petitioner, which is dated 4th October, 2002 at Annexure 13 to the memo of the present petition mainly for the reason that

petitioner was serving from 1987 as a Class-IV employee with the respondents, no notice was ever issued to the petitioner neither any opportunity of being heard was ever given to the petitioner and no reasons have been given to the petitioner for termination of his services. Absolutely arbitrary and unilateral order has been passed of termination of services of the present petitioner vide order dated 4th October, 2002, at Annexure 13. On this ground alone, this petition is hereby allowed and I hereby quash and set aside the order of termination of the petitioner at Annexure 13 passed by Assistant Engineer, Rural Engineering Organization Department, Lohardaga dated 4th October, 2002. Nonetheless, the respondents are at liberty to take fresh decision by following the due procedure of law and at least bare minimum requirement of principles of natural justice.

4. The petition is hereby allowed to the aforesaid extent.