
(2013) 10 JH CK 0044
In the Jharkhand High Court
Case No : Writ Petition (S) No. 1089 of 2013

Manish Kumar Pandey

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 21-10-2013

Acts Referred:

Citation : (2014) 1 JLJR 91

Hon'ble Judges : S. Chandrashekhar, J

Bench : Single Bench

Advocate : Jai Shankar Tripathy, Suman Tripathy and Abhas Kr. Pandey, for the Appellant; Abhijeet Kr. Singh, for the Respondent

Final Decision : Disposed Off

Judgement

S. Chandrashekhar, J.—The petitioner has approached this Court seeking quashing of order dated 4.2.2013 whereby his service has been terminated. The brief facts of the case are that, the petitioner was appointed on 17.4.2010 pursuant to an advertisement issued on 10.4.2010. The petitioner joined the post of District Accounts Manager on 19.4.2010. It appears that on 29.1.2013 a letter was written by State Rural Employment Guarantee Commissioner, State of Jharkhand to the Deputy Commissioner directing him to comply with the guidelines with respect to appointment of District Accounts Manager. Pursuant to the direction dated 29.1.2013, the Deputy Development Commissioner, Lather terminated the service of the petitioner on the ground that the post on which the petitioner was appointed was not sanctioned by the Government.

2. Heard learned counsel for the parties and perused the documents on record.

3. The learned counsel appearing for the petitioner submits that the impugned order dated 4.2.2013 has been passed without issuing any show-cause notice to the petitioner and on this ground alone, the impugned order dated 4.2.2013 is liable to be quashed. He has further submitted that the plea taken in the impugned order dated 4.2.2013, that the post was not sanctioned by the

Government, is apparently frivolous on the face of the advertisement dated 10.4.2010 pursuant to which the petitioner was appointed on the post of District Accounts Manager. The said advertisement dated 10.4.2010 would indicate that the posts were intended to be filled up on contract basis and therefore, it was not open to the respondents to contend that since the post were not sanctioned, the service of the petitioner was liable to be terminated.

4. The learned counsel appearing for the respondents submits that in the advertisement letter itself, it has been mentioned that the appointments are being made on contractual basis and there is a clause which provides that the appointment can be terminated without giving any notice to the appointee. He has further submitted that the posts were not sanctioned and therefore, the appointment of the petitioner and others were terminated and therefore this Court may not entertain the present writ petition.

5. Having heard the learned counsel appearing for the parties, I am of the view that the Writ Petition may be disposed of at this stage itself. I find that the impugned order dated 4.2.2013 was issued following the direction contained in order dated 29.1.2013. In the letter dated 29.1.2013, nothing has been indicated with respect to the reasons for which the concerned authority had come to a conclusion that the appointments made on the posts other than the sanctioned posts are illegal. It is not disputed that the service of the petitioner was terminated without issuing any show-cause notice to him and therefore, I am of the view that the impugned order dated 4.2.2013 cannot be sustained in law and therefore it is hereby quashed. However, it is upon (sic--open?) to the respondents to issue a show-cause notice to the petitioner and give him proper opportunity of hearing before passing any fresh order in this regard. This writ petition is disposed of in the aforesaid terms.