

(2013) 08 MP CK 0027

In the Madhya Pradesh High Court

Case No : Writ Petition No. 12822 of 2013

Rakesh Kumar Verma

APPELLANT

Vs

State of MP and Others

RESPONDENT

Date of Decision : 06-08-2013

Acts Referred:

Citation : (2013) 08 MP CK 0027

Hon'ble Judges : R.S. Jha, J

Bench : Single Bench

Advocate : R.L. Gupta, the, for the Appellant;

Final Decision : Allowed

Judgement

R.S. Jha, J.—The petitioner has filed this petition being aggrieved by order dated 22.6.2013, Annexure P-1, by which the petitioner's contractual appointment on the post of Block Development Programme Manager, Community Health Centre, Patan, has been terminated. It is submitted by the learned counsel for the petitioner that the petitioner had been appointed as a Block Development Programme Manager on contract basis for a period of one year by order dated 4.8.2009. It is stated that after the lapse of the period of one year the petitioner was permitted to continue to work and in fact on 1.4.2011 a fresh agreement, Annexure P-5, for engagement of the petitioner for a further period of one year was executed between the parties. It is stated that thereafter the authorities have also forwarded the case of the petitioner for extension of his period of contractual appointment which is under consideration of the higher authorities.

2. It is submitted that in the meanwhile, the respondent authorities have issued the impugned order dated 22.6.2013 terminating the contract of appointment of the petitioner on the ground that he has disobeyed the directions of senior authorities, acted irresponsibly and that his work was not satisfactory.

3. The learned counsel for the petitioner relying upon the Division Bench decision of this Court rendered in the case of Rahul Tripathi Vs. Rajeev Gandhi Shiksha

Mission, Bhopal and others, , and a decision of the Indore Bench of this Court rendered in W.P. No. 6937/2013 decided on 4.7.2013, wherein this Court had taken into consideration Clause-6 of the Terms of Contract which has also been incorporated in the contract executed between the petitioner and the respondents, Annexure P-5, submits that the impugned order is bad in the eyes of law as no opportunity of hearing was given to the petitioner and as the order is stigmatic and would render him disqualified for future engagements.

4. I find substance in the submission of the learned counsel for the petitioner, therefore, keeping in mind the aforesaid judgment relied upon by the petitioner and the order passed by the this Court in W.P. No. 12515/2013 by which a similar petition was disposed of by this Court by order dated 1.8.2013 with a direction to the respondent authorities to examine the matter and give opportunity to the petitioner therein, the present petition is also disposed of with a direction to the effect that in case the petitioner approaches the respondent authorities by filing a representation alongwith a copy of the order passed today and a copy of the petition within fifteen days from today, justifying his action and establishing that the petitioner was not at fault, the respondent authorities shall reconsider the matter and, if so necessary, give an opportunity of hearing to the petitioner and thereafter take a fresh decision in the matter keeping in mind the decision of this Court rendered in the case of Rahul Tripathi (supra), W.P. No. 6937/2013 and W.P. No. 12515/2013 and while doing so shall also consider the issue of stigma, etc. raised by the petitioner.

5. It goes without saying that the authorities, after following the procedure, shall pass a fresh reasoned order and that till such a fresh decision is taken by the authorities in the matter, the petitioner shall be permitted to continue to work and the impugned order dated 22.6.2013 shall be treated as quashed and non est.

6. The petition filed by the petitioner stands allowed in the above mentioned terms. C.C. as per rules.