
(2010) 12 RAJ CK 0038

In the Rajasthan High Court

Case No : Civil Writ Petition No. 15826 of 2010

Smt. Manju Chouhan

APPELLANT

Vs

State of Raj. and Others

RESPONDENT

Date of Decision : 06-12-2010

Acts Referred:

Citation : (2010) 12 RAJ CK 0038

Hon'ble Judges : Ajay Rastogi, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ajay Rastogi, J.—Instant petition has been filed by the Petitioner with the grievance that she was appointed as Gram Rojgar Sahayak in Gram Panchayat Surdiya on contract basis which was executed on 30.04.2008 for a period of one year and in terms of Clause (i) of Termination of Contract the Respondent could have terminated her contractual services with notice of one month or paying one month's package in lieu of notice.

2. Clause (i) of Termination of Contract reads as under:

(i) The contract can be terminated with notice of one month on either side or by epositing/ paying one month's package/ contract amount in lieu of notice.

The Petitioner being on contract basis after due compliance of Clause (i) of Termination of Contract by making payment of one month's package in lieu of notice her contractual services were terminated on 24.11.2010.

3. Counsel submits that before passing of the order impugned no opportunity of hearing was afforded to her.

4. The submission made is wholly without substance for the reason that Petitioner was appointed on contract basis in terms of conditions of contract which has been duly executed between the parties and according to the terms of contract, it could be terminated with notice of one month on either side or by

epositing/paying one month's package/contract amount in lieu of notice. The contractual services of the Petitioner have been terminated after making payment of one month package in lieu of notice vide order dt.24.11.2010 which is in conformity with the terms of contract and there is no provision to serve a notice or grant opportunity before passing of the order impugned and it is not the case of the Petitioner that the order is punitive in nature and same could not have been passed without affording opportunity of hearing.

5. This Court does not find substance in the petition.

6. Consequently, the writ petition stands dismissed.