
(2010) 02 JH CK 0089
In the Jharkhand High Court

Sumi Hembrom

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 24-02-2010

Acts Referred:

Citation : (2010) 02 JH CK 0089

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Final Decision : Allowed

Judgement

D.N. Patel, J.—I have heard Mr. Din Dayal Sana, learned Counsel for the petitioner, who has vehemently submitted that the petitioner was appointed as Anganbari Sevika vide appointment letter dated 26th August, 2007. The said appointment letter is at Annexure-2 to the memo of petition. It is also submitted by learned Counsel for the petitioner that, thereafter, the petitioner had undergone the necessary training, successfully and, thereafter, the petitioner was working as Anganbari Sevika and she was also paid salary by the concerned respondent authorities and, thereafter, the services of the petitioner have been terminated by respondent No. 5 on 22nd April, 2008. The said termination order is at Annexure-4 to the memo of petition, which is under challenge. No notice, no hearing has been given by the respondents before the termination of the services of the petitioner. The so-called inquiry, which is alleged to have taken place, is also an ex-parte inquiry and the inquiry officer has not given any hearing and any notice to the petitioner. Thus, inquiry has also been conducted, ex-parte. Moreover, no report of the inquiry has been supplied to the petitioner, even though, the same has been heavily relied in the impugned order. Thus, the impugned order dated 22nd April, 2008 has been passed in gross violation of principles of natural justice and, hence, the same deserves to be quashed and set aside.

2. I have heard learned Counsel for the respondents, who has submitted that there were some complaints against the present petitioner and upon receiving

complaints, inquiry was conducted and on the basis of inquiry, the services of the petitioner have been brought to an end by respondent No. 5 vide order dated 22nd April, 2008 at Annexure-4 to the memo of petition and, therefore, the petition deserves to be dismissed.

3. Having heard learned Counsels for both the sides and looking to the facts and circumstances of the case. I hereby quash and set aside the order passed by respondent No. 5 dated 22nd April, 2008 for the following facts and reasons:

(i) The petitioner was appointed as Anganbari Sevika with effect from 26th August, 2007. The said appointment letter is at Annexure-2 to the memo of petition. Looking to Annexure-1 also, it appears that Aam Sabha meeting of Village-Ayodhiya-II, District-Sahibganj was held on 22nd June, 2007, in which, the petitioner was selected as Anganbari Sevika.

(ii) It appears that, thereafter, the present petitioner had undergone the necessary training and, thereafter, the petitioner has worked for several months as Anganbari Sevika and the respondents were also paying salary to the petitioner for those months.

(iii) Thereafter, it appears that respondent No. 5 has passed the order dated 22nd April, 2008 at Annexure-4 to the memo of petition, whereby, the services of the petitioner have been terminated without giving any notice and without giving any opportunity of being heard to the petitioner. Thus, the order of termination has been passed in gross violation of principles of natural justice.

(iv) Looking closely to the impugned order passed by respondent No. 5, it appears that some ex-parte inquiry has been conducted on the basis of some complaints, but, never the copy of the complaints nor the copy of the inquiry report has been given to the petitioner. In the impugned order, much and heavy reliance has been placed upon the inquiry report and despite this fact though respondent No. 5 must have read the report in detail, no copy has been given to the petitioner and, therefore also, there is gross violation of principles of natural justice while passing the impugned order.

(v) It also appears that ex-parte inquiry has been conducted by some officer. Neither the nature of complaints is reflected in the impugned order nor the gist of inquiry officer has been given in the impugned order. Only one line has been mentioned that upon receipt of some complaints, inquiry was conducted and, therefore, the services of the petitioner have been terminated, but, nothing is mentioned that what is the inquiry report.

4. As a cumulative effect of the aforesaid facts and reasons, I hereby quash and set aside the order passed by respondent No. 5 dated 22nd April, 2008 at Annexure-4 to the memo of petition, reserving liberty with the respondents to initiate action, in accordance with law and at least after following the principles of natural justice.

5. The petition is, hereby, allowed and disposed of, in view of the aforesaid

observations.