



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 294 of 2023**

Ajeet Kumar Loniya S/o Shri Mahabir Loniya Aged About 36 Years Working Was As Rojgar Sahayak At Gram Panchayat Ujijarpur, Janpad Panchayat Lormi, District : Mungeli, Chhattisgarh

---- Appellant**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Panchayat And Rural Development Indravati Bhawan, Mantralaya, Atal Nagar, Raipur, District : Raipur, Chhattisgarh
2. The Collector Mungeli, District : Mungeli, Chhattisgarh
3. The Chief Executive Officer Jila Panchayat Mungeli, District : Mungeli, Chhattisgarh
4. The Chief Executive Officer Janpad Panchayat Lormi, District : Mungeli, Chhattisgarh
5. Program Officer Janpad Panchayat Lormi, District : Mungeli, Chhattisgarh

---- Respondents

(Cause title taken from Case Information System)

For Appellant	:	Mr. Akhilesh Kumar, Advocate
For Respondents/State	:	Mr. Gagan Tiwari, Dy. Govt. Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Smt. Rajani Dubey, Judge

Judgment on Board**Per Ramesh Sinha, C.J.****12.07.2023**

1. Heard Mr. Akhilesh Kumar, learned counsel for the appellant/writ petitioner and Mr. Gagan Tiwari, learned Deputy Government Advocate, appearing for the State/respondents.



2. The present intra Court appeal has been filed against the order dated 21.03.2023 passed by the learned Single Judge in WP(S) No. 411 of 2021 (***Ajeet Kumar Loniya Vs. State of Chhattisgarh & Others***), whereby the learned Single Judge has disposed of the writ petition filed by the appellant/writ petitioner directing that the respondents No. 3 to 5 shall pay one month's salary to the petitioner in compliance of the Rule 11 sub-rule 5 and the termination of the petitioner is held to be legal and justified.
3. The learned counsel for the appellant would submit that the appellant was appointed on contractual basis on the post of Rojgar Sahayak on 05.09.2006 by the Collector and after 14 years of service, all of a sudden, services of the petitioner has been terminated. He would further submit that the respondents No. 3 to 5 had already levied fine of Rs.1,000/- and also directed him to deposit Rs.2,500/- for the illegality committed by him, therefore, the termination of service is double punishment, which is not permissible in law. He further submits that the petitioner is governed by the Chhattisgarh Civil Services (Contract Appointment), Rules, 2012 (for short, the Rules of 2012) as well as Chhattisgarh Civil Services (Conduct) Rules, 1965, therefore, regular enquiry is necessary. Since it has not been done, therefore, the termination is bad in law. He also submits that the aforesaid facts have not been considered by the learned Single Judge and thus, he prays for setting aside the order passed by the learned Single Judge.



4. On the other hand, learned counsel for the respondent supports the impugned order passed by the learned Single Judge.
5. We have heard learned counsel for the appellant, perused the impugned judgment and materials available on record.
6. The learned Single Judge after hearing learned counsel for the parties and on the basis of materials available on record has rightly disposed of the writ petition observing as follows :

“5. Rule 11(5) of the Rules of 2012 provides that either of the parties may terminate contract appointment during the period of contract appointment by giving one month’s notice in advance or paying one month’s salary in its place, but no pay has been given before termination. Only some fact finding enquiry has been conducted. Therefore, as per Rule 11(5) of the Rules of 2012, one month salary was to be given to the petitioner.

6. Considering Rule 11(5) of the Rules of 2012, it is directed that the respondents No. 3 to 5 shall pay one month’s salary to the petitioner in compliance of the Rule 11 sub-rule 5 and the termination of the petitioner is held to be legal and justified. Accordingly, the petition is disposed of.

7. It is directed if the petitioner intends to secure an employment in any other institution, his present





termination will not come in way as a hurdle for getting employment in any other establishment.”

7. Considering the submissions made by the learned counsel for the parties and upon perusing the impugned order and the fact that the appellant was a contractual employee and Rule 11(5) of the Chhattisgarh Civil Services (Contract Appointment) Rules, 2012 (for short, the Rules of 2012) provides that either of the parties may terminate contract appointment during the period of contract appointment by giving one month's notice in advance or paying one month's salary in its place and the learned Single Judge had already directed the respondent Nos. 3 to 5 to pay one month's salary to the appellant in compliance of Rule 11(5) of the Rules of 2012, we do not find any illegality in the impugned passed by the learned Single Judge.

8. The writ appeal fails and is accordingly, **dismissed**.

Sd/-
(Rajani Dubey)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice