



2026:CGHC:13540

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 835 of 2023**

Pratima Vaishnaw W/o Shri Pawan Kumar Das, Aged About 45 Years,
Assistant Teacher, Verg-3, Govt. Primary School, Achanakpur, Block
Chhuikhadhan, District Rajnandgaon (C.G.)

... Petitioner(s)**versus**

1 State Govt. Of Chhattisgarh Through The Secretary, Panchayat
and Gramin Department Ministry, Mahanadi Bhawan, P.S. Rakhi, New
Raipur (C.G.)

2 Chief Executive Officer, District Panchayat District Rajnandgaon
(C.G.)

3 Chief Executive Officer, Janpad Panchayat Patan District
Chhuikhadhan, District Rajnandgaon (C.G.)

... Respondent(s)

(Cause Title downloaded from CIS Periphery)

For Petitioner(s)	: Mr. Vinod Kumar Sharma, Advocate
For Respective	: Mr. Siddhant Tiwari, Advocate and Ms.
Respondents	Akansha Verma, Panel Lawyer

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad**Order on Board****20/03/2026**

1. By way of this petition, the petitioner is challenging the order dated 23.6.2022 (Annexure P/1) passed by the Commissioner, Durg Divison, Durg and the order dated 25.11.2021 (Annexure P/2) passed by the Collector, Rajnandgaon, whereby the termination order dated 27.6.2014 (Annexure P/3) was upheld.
2. The petitioner has prayed for the following reliefs in the petition:

10.1 That, this Honble Court may kindly be pleased to order the respondents to setaside the termination order dated 27-06-2014 of CEO Chhuikhadan and order dated 25-11-2021 of Collector Rajnandgaon and Commissioner order dated 23-06-2022 annexure P-1 with all consequential relief and benefits given by State Govt. to employees in the situation of petitioner and child care leave granted by State Govt. to such employee and medical reimbursement bill should be obtained and paid to the petitioner.

10.2 That cost of litigation and any other relief which the Hon'ble Court deems fit may kindly also be awarded.

3. Brief facts of the case are that the petitioner, who was working as Assistant Teacher, was terminated w.e.f. 27-06-2014 by the Chief

Executive Officer, Janpad Panchayat, Chhuikhadan, without following the mandatory procedure prescribed under Section 7 of the C.G. Panchayat Service (Discipline & Appeal) Rules, 1999 (in short “the Rules, 1999”) It is stated that the termination order issued by the CEO, Chhuikhadan is in violation of the order dated 20.4.2018 passed by this Court in WPS No.984/2018, therefore, the Commissioner, Durg Division, ought to have quashed the same as well as the order dated 25.11.2021 passed by the Collector, Rajnandgaon. In a similar matter, though the concerned authority granted relief to the aggrieved party but the similar relief was denied to the petitioner. Therefore, the impugned order dated 23.6.2022 is discriminatory, arbitrary and unconstitutional. The authorities failed to reinstate the petitioner despite the clear violation of statutory rules. The Collector, Rajnandgaon also erred by failing to aside the CEO’s order dated 27.6.2014, which was ex-facie illegal for non-compliance with the procedure laid down under Rule 7 of the Rules, 1999. Hence, this petition.

4. Learned counsel for the petitioner submits that that petitioner cannot be dismissed without holding departmental enquiry in accordance with Rule 7 of the Rules of 1999. Therefore, the impugned order of termination is ex facie not sustainable in law and the same deserves to be set aside.
5. Learned counsel for the respective respondents submit that the petitioner was posted at Government Primary School, Achanakpur. The petitioner remained absent from duty from 22.8.2010 to 31.4.2013 with submitting any application in the

prescribed format or obtaining any prior sanction. Furthermore, she remained absent from 1.5.2013 for a period of one year without any leave or permission. Though several notices were sent to the petitioner, but she did not reply to the same or rejoin her duties. They further submit that a charge sheet was issued on 1.2.2014, to which she neither replied nor reported for service. Ultimately, pursuant to the provisions contained under Sections 9 & 10 of the *Chhattisgarh Shiksha Karmi (Bharthi Tatha Seva Ke Sharten) Niyam*, 1997, and based on the resolution dated 26.6.2014 passed by the General Body of the Janpad Panchayat, the petitioner's services were terminated vide order dated 27.6.2014. They also submit that the petitioner filed an appeal before the concerned Collector after an inordinate delay of seven years, without filing any application for condonation of delay or supporting documents. The Collector, Rajnandgaon, after hearing the parties and examining the records, rejected the appeal vide order dated 25.11.2021 on the ground of limitation. Aggrieved by the said order, the petitioner filed a revision before the Commissioner Durg Division, who, after examining the records, dismissed the revision vide the impugned order, rightly observing that the appeal was preferred after a delay of seven years. The Commissioner further observed that since the petitioner was absent for a prolonged period without intimation, her services were rightly terminated under the provisions of Panchayat Raj Adhiniyam and the Janpad Panchayat resolution. Hence, learned counsel for the respective respondents pray for dismissal of the

petition.

6. I have heard learned counsel for the parties and have also perused the documents annexed to the petitioner carefully.
7. From a bare perusal record, it appears that the order dated 27.6.2014 (Annexure P/3), whereby the services of the petitioner as Assistant Teacher, Primary School, Achanakmar under the control of the Chief Executive Officer, Janpad Panchayat, Chhuikhadan, were terminated, was passed without following due procedure of law as envisaged under Rule 5 & 7 of the Rules, 1999. As such, the initial order itself is not in accordance with law.
8. Admittedly, the petitioner preferred an appeal after an inordinate delay, which was subsequently dismissed by the concerned Collector and affirmed by the Commissioner. However, the fact remains that when the the initial order itself is not in accordance with law, the subsequent orders passed by the Appellate and Revisional authorities are of no legal consequence.
9. Accordingly, while setting aside the impugned orders (Annexure P/1, P/2 & P/3 respectively), the concerned authorities are directed to initiate fresh proceedings strictly in accordance with Rules 5 & 7 of the Rules, 1999. However, considering that the petitioner is out of service since a long period and also failed to prefer Appeal and Revision within prescribed period of limitation, no order of reinstatement can be passed at this stage. The petitioner would be at liberty file a representation in this regard before the concerned authorities. If such a representation is filed by the petitioner within a period of 30 days from the date of

receipt of a copy of this order, in turn, the concerned authorities are directed consider the case of the petitioner in accordance with law after affording a due opportunity of hearing to her within a further period of 90 days.

10. With the aforesaid observations/directions, the Petition is finally disposed of.

Sd/-

(Amitendra Kishore Prasad)

Judge

Shyna Ajay