



2026:CGHC:21041
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1848 of 2026

1. Pravesh Shukla S/o Mahendra Kumar Shukla Aged About 32 Years Occupation - Technical Assistant In P M A Y-G, Janpad Panchayat Khairagarh, Zila Panchayat Khairagarh-Chhuikhadan-Gandai, R/o New Tikarapara, Khairagarh, Near Yadav Samaj Bhawan, Khairagarh, District - Khairagarh-Chhuikhadan-Gandai (C.G.)

... Petitioner

versus

1. State Of Chhattisgarh Through The Secretary Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nava Raipur District - Raipur (C.G.)
2. The Director, Directorate, Pradhanmantri Awas Yojna Gramin, Vikas Bhawan, 1st Floor, Sector-19, North Block Nava Raipur, Atal Nagar District-Raipur (C.G.)
3. The Collector, District Khairagarh-Chhuikhadan-Gandai (C.G.)
4. The Chief Executive Officer, Zila Panchayat-Khairagarh-Chhuikhadan - Gandai District- Khairagarh - Chhuikhadan-Gandai, (C.G.)
5. The Chief Executive Officer, Janpad Panchayat Khairagarh District-Khairagarh-Chhuikhadan-Gandai (C.G.)

... Respondents

For Petitioner	: Mr. J.N. Nande, Advocate
For Respondent No.1 to 3	: Mr. Avinash Singh, Government Advocate
For Respondent No.4	: Mr. Avinash Chand Sahu, Advocate
For Respondent No.5	: Mr. Aniruddh Shrivastava, Advocate on behalf of Mr. Shaleen Singh Baghel, Advocate



Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

05.05.2026

1. With the consent of the parties, this matter is being heard finally.

2. Petitioner has filed this writ petition seeking following reliefs:-

“10.1. The Hon'ble Court may kindly be pleased to issue an appropriate writ of mandamus to quash the impugned termination order dated 01/12/2025 bearing No.5592/जि.पं.: /PMAY (CG)/2025-26 (Annexure P-1) issued by the office of the Chief Executive Officer of the Zila Panchayat Khairagarh-Chhuikhadan-Gandai District Khairagarh-Chhuikhadan-Gandai, in furtherance of justice.

10.2. The Hon'ble Court may kindly be pleased to issue an appropriate writ of mandamus to quash the impugned termination order dated 20/01/2026 bearing Appeal Case No.02/2025-26 (Annexure P-2) passed by the Director, Pradhanmantri Awas Yojna Gramin, Atal Nagar Nava Raipur Chhattisgarh, in the interest of justice.

10.3. The Hon'ble Court may kindly be pleased to issue to writ and directing the respondents to cancel the impugned termination order dated 01/12/2025 and order dated 20/01/2026 and to reinstate the Petitioner with all consequential benefits, in the interest of justice.

10.4. Any other relief/relief's which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may also be granted to the petitioner, in the interest of justice.”



3. Learned counsel for the petitioner submits that petitioner was appointed on the post of Technical Assistant in Pradhanmantri Awas Yojna Gramin Cell (PMAY-G) on 11.9.2017 and posted at Janpad Panchayat Khairagarh, District Rajnandgaon. Petitioner has been served with show-cause notice dated 24.10.2025 calling upon him to explain regarding irregularities in distribution of P.M. Awas Scheme funds in the account of beneficiary. Petitioner submitted reply to show-cause notice on 3.11.2025 denying the allegations made therein. Being dissatisfied with the reply submitted by petitioner to show-cause notice, a final notice was issued to petitioner on 7.11.2025 calling upon petitioner to explain as to why proceeding for his removal from service under Chhattisgarh Civil Services (Contract Appointment) Rules 2012 be not initiated. Petitioner submitted reply to final notice on 10.11.2025 reiterating that he has not committed any irregularity while discharging duties. Respondent No.4 vide order impugned dated 01.12.2025, removed the petitioner from service on the ground that petitioner was negligent in discharge of his duties. Petitioner submitted representation before the respondent No.2 against his removal, which came to be dismissed vide order 20.1.2026.
4. Learned counsel for petitioner submits that even a casual or contract employee cannot be removed by a stigmatic/punitive



order without holding an enquiry. Petitioner has been removed from service on the allegation of misconduct, which is punitive and stigmatic in nature and affect the future prospects of petitioner, and as such, a full-fledged enquiry was required to be conducted before removing petitioner from service. However, no such enquiry was initiated in the present case and only on the basis of show-cause notice, final notice issued to the petitioner and replies thereof submitted by petitioner, the impugned order of removal has been passed. He submits that case of petitioner is covered by the decision of this Court in WPS No.13978/2025, parties being Smt. Purnima Dhruw vs State of Chhattisgarh and others, decided on 23.03.2026, wherein also the order of removal / termination was passed based upon the allegation of financial irregularities without conducting a full-fledged enquiry on the allegations, granting opportunity to cross-examine the witnesses and to examine witnesses. In such circumstances, this Court has set aside the order of removal/termination on the ground that it is passed in violation of principles of natural justice.

5. Learned Government Advocate for the State would submit that petitioner was appointed on contract basis on 11.7.2017 for a period till 31.03.2018 with a condition that if the work is found satisfactory, the same will be extended further. In the



appointment order of petitioner it is clearly mentioned that appointment of petitioner can be cancelled at any time by giving one month's notice or one month's salary in lieu of one month's notice. The appointment of petitioner was governed by Chhattisgarh Civil Service (Contract Appointment) Rules 2012 which do not provide for initiation of a departmental enquiry before imposing punishment. He submits that petitioner was given sufficient opportunity of hearing and thereafter impugned order has been passed. Petitioner is a contractual employee, therefore, full-fledged departmental enquiry is not required to be conducted in present case.

6. Learned counsel appearing on behalf of respective respondent No.4 and 5 have supported the impugned order. They submit that the impugned order is passed following due process of law. Petitioner was firstly issued a show-cause notice and being dissatisfied with his reply, a final notice was issued to him of which also he submitted reply and thereafter only an order of removal is passed. They submit that appointment of petitioner is on contractual basis and in case of contractual employment, there would be no requirement to conduct a full fledged departmental enquiry before issuing the order of removal from service. However, they do not dispute that the petitioner was removed from service on the allegation of misconduct i.e. negligence in discharge of official duties.



7. Heard learned counsel for the respective parties and perused the documents available in record of writ petition.
8. From the pleadings of the parties it is appearing that petitioner was appointed as Technical Assistant on 11.7.2017. A three member committee was constituted to inquire into the allegation regarding irregularities in implementation of scheme in concerned area. Petitioner was one of the members of said committee. In the course of inquiry, it transpired that installment of Rs.1,30,000/- was issued in favour of beneficiary Ramanand son of Ishar, on the basis of geo-tagging done by Awas Mitra namely Umeshwar Dhurve and accepting incomplete photo of house. However, upon physical verification it is found that construction of said house has not been commenced. Awas Mitra Umeshwar Dhurve was issued notice to which he submitted reply stating that geo-tagging was done by him only once and remaining three geo-tagging was done by petitioner, owing to which, a show-cause notice was issued to petitioner, who, in turn, vide reply dated 9.11.2025 denied the allegations. Dissatisfied with reply, final notice was issued to petitioner on 7.11.2025 asking him as to why proceeding for his removal from service be not initiated. Petitioner submitted reply to this final notice also on 10.11.2025. Considering the reply of petitioner, respondent No.4 vide order impugned terminated the petitioner from



service for committing negligence in discharge of duties after giving one month's notice.

9. From the order impugned it appears that without holding any detailed enquiry proceeding so as to prove the charge of misconduct by issuing charge sheet, giving opportunity to lead evidence and to cross-examine witnesses, merely on the basis of replies submitted by petitioner, he was removed from service holding him guilty of negligence in discharge of official duties. When allegation of misconduct levelled against the petitioner, amounts to attaching stigma, respondent No.4 ought to have initiated a full-fledged enquiry on the allegation by issuing a charge memo accompanied by list of documents and witnesses to be examined in enquiry, granting an opportunity to petitioner to lead evidence, examine and cross-examine the witnesses on whose statements the charge of misconduct was made. In absence thereof, this Court is of the considered view that removal order of the petitioner from service is passed in violation of the principles of natural justice.
10. In case of **Swati Priyadarshini vs. State of Madhya Pradesh and others**, reported in **(2024) 19 SCC 128**, decided on 22.8.2024, Hon'ble Supreme Court has observed thus in Para 34 and 35 as under:



"34. It is profitable to refer to what five learned Judges of this Court laid down in *Parshotam Lal Dhingra v Union of India*, 1957 SCC OnLine SC 5:

"28. The position may, therefore, be summed up as follows:

Any and every termination of service is not a dismissal, removal or reduction in rank. A termination of service brought about by the exercise of a contractual right is not per se dismissal or removal, as has been held by this Court in *Satish Chandra Anand v. Union of India* [*Satish Chandra Anand v. Union of India*, (1953) 1 SCC 420] . Likewise the termination of service by compulsory retirement in terms of a specific rule regulating the conditions of service is not tantamount to the infliction of a punishment and does not attract Article 311(2), as has also been held by this Court in *Shyam Lal v. State of U.P.* [*Shyam Lal v. State of U.P.*, (1954) 1 SCC 572] In either of the two above mentioned cases the termination of the service did not carry with it the penal consequences of loss of pay, or allowances under Rule 52 of the Fundamental Rules. It is true that the misconduct, negligence, inefficiency or other disqualification may be the motive or the inducing factor which influences the Government to take action under the terms of the contract of employment or the specific service rule, nevertheless, if a right exists, under the contract or the rules, to terminate the service the motive operating on the mind of the Government is, as Chagla, C.J., has said in *Shrinivas Ganesh v. Union of India* [*Shrinivas Ganesh v. Union of India*, 1956 SCC OnLine Bom 38 : AIR 1956 Bom 455] wholly irrelevant. In short, if the termination of service is founded on the right flowing from contract or the service rules then, prima facie, the termination is not a punishment and carries with it no evil consequences and so Article 311 is not



attracted. But even if the Government has, by contract or under the rules, the right to terminate the employment without going through the procedure prescribed for inflicting the punishment of dismissal or removal or reduction in rank, the Government may, nevertheless, choose to punish the servant and if the termination of service is sought to be founded on misconduct, negligence, inefficiency or other disqualification, then it is a punishment and the requirements of Article 311 must be complied with. As already stated if the servant has got a right to continue in the post, then, unless the contract of employment or the rules provide to the contrary, his services cannot be terminated otherwise than for misconduct, negligence, inefficiency or other good and sufficient cause. A termination of the service of such a servant on such grounds must be a punishment and, therefore, a dismissal or removal within Article 311, for it operates as a forfeiture of his right and he is visited with the evil consequences of loss of pay and allowances. It puts an indelible stigma on the officer affecting his future career. A reduction in rank likewise may be by way of punishment or it may be an innocuous thing. If the government servant has a right to a particular rank, then the very reduction from that rank will operate as a penalty, for he will then lose the emoluments and privileges of that rank. If, however, he has no right to the particular rank, his reduction from an officiating higher rank to his substantive lower rank will not ordinarily be a punishment. But the mere fact that the servant has no title to the post or the rank and the Government has, by contract, express or implied, or under the rules, the right to reduce him to a lower post does not mean that an order of reduction of a servant to a lower post or rank cannot in any circumstances be a punishment. The real test for determining whether the reduction in such cases is or is not



by way of punishment is to find out if the order for the reduction also visits the servant with any penal consequences. Thus if the order entails or provides for the forfeiture of his pay or allowances or the loss of his seniority in his substantive rank or the stoppage or postponement of his future chances of promotion, then that circumstance may indicate that although in form the Government had purported to exercise its right to terminate the employment or to reduce the servant to a lower rank under the terms of the contract of employment or under the rules, in truth and reality the Government has terminated the employment as and by way of penalty. The use of the expression "terminate" or "discharge" is not conclusive. In spite of the use of such innocuous expressions, the court has to apply the two tests mentioned above, namely, (1) whether the servant had a right to the post or the rank, or (2) whether he has been visited with evil consequences of the kind hereinbefore referred to? If the case satisfies either of the two tests then it must be held that the servant has been punished and the termination of his service must be taken as a dismissal or removal from service or the reversion to his substantive rank must be regarded as a reduction in rank and if the requirements of the rules and Article 311, which give protection to government servant have not been complied with, the termination of the service or the reduction in rank must be held to be wrongful and in violation of the constitutional right of the servant."

35. We would only be adding to verbosity by multiplying authorities. In view of the above dictum, it is clear that the Respondents did not comply with Clause 4 - either the first part or the second part thereof. The order dated 30.03.2013 does visit the appellant with evil consequences and would create hurdles for her re further employment."



11. In the facts of the case where removal of petitioner is on the alleged misconduct, which is punitive in nature, the petitioner visited with civil consequences, hence, concerned authorities were required to conduct full-fledged enquiry giving opportunity to examine and cross-examine witnesses, which has not been done in present case, and therefore, the order dated 01.12.2025, Annexure P-1, being in violation of principles of natural justice, is not sustainable and liable to be quashed.
12. Accordingly, writ petition is allowed. Impugned order dated 01.12.2025, Annexure P-1, is hereby quashed. Consequences to follow. However, respondents will be at liberty to take action against the petitioner following due process of law, if they so desire.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-