



2026:CGHC:26006

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2434 of 2021

- Ramchandra Prajapati S/o Banwari Lal Aged About 26 Years Working As Rojgar Sahayak, Gram Panchayat Bbhani, Janpad Panchayat Wadrafnagar, District Balrampur Ramanujganj Chhattisgarh

... Petitioner

versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Gramin Vikas Vibhag, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar Raipur, District Raipur Chhattisgarh
2. Collector Balrampur Ramanujganj District Balrampur Ramanujganj Chhattisgarh
3. Chief Executive Officer Janpad Panchayat Wadrafnagar, District Balrampur Ramanujganj Chhattisgarh
4. Chief Executive Officer Zila Panchayat Balrampur, District Balrampur Ramanujganj Chhattisgarh
5. Program Officer Janpad Panchayat Wadrafnagar, District Balrampur Ramanujganj Chhattisgarh

... Respondent(s)

For Petitioner	: Mr. A.K. Yadav, Advocate
For State	: Mr. Vivek Siddharth Ojha, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

25.06.2026

1. By way of this petition, the petitioner has sought the following relief(s):-

“10.1 That this Hon'ble Court may kindly be pleased to call for the entire record pertaining to the present case.

10.2 That this Hon'ble Court may please to quash the impugned order dated 05-03-2021 (ANNEXURE P-1) Passed by the Chief Executive Officer, Janpad

Panchayat-Wadrafnagar, District Balrampur-Ramanujganj (C.G.).

10.3 That this Hon'ble court may further be pleased to pass any other order in favour of petitioner as it may deem fit and proper under the facts and circumstances of the case with cost.”

2. The facts in brief are that the petitioner, who was posted as Rojgar Sahayak under Gram Panchayat, Bbhani in Janpad Panchayat Wadrafnagar, District Balrampur-Ramanujganj (C.G.) was removed from services vide order dated 05.03.2021 by the Chief Executive Officer, Janpad Panchayat, Wadrafnagar, Balrampur-Ramanujganj (C.G.).
3. Mr. Yadav, learned counsel appearing for the petitioner would submit that the Commissioner MGNREGA vide its communication dated 28.09.2018 amended the procedure for removal of Rojgar Sahayak. He would further submit that according to said communication, the Chief Executive Officer Janpad Panchayat, if receives a complaint against a Rojgar Sahayak, he will conduct an inquiry and will submit its report before the Chief Executive Officer Zila Panchayat, who will be disciplinary authority to inflict penalty. He would contend that in the present case, the inquiry was conducted by two Technical Assistants(MGNREGA), Janpad Panchayat, Wadrafnagar. He would further contend that as the inquiry was conducted contrary to the communication dated 28.09.2018, the order dated 05.03.2021 (Annexure P/1) is bad in law.
4. On the other hand, learned State counsel would oppose. He would submit that the Chief Executive Officer, Janpad Panchayat delegated power to the Technical Assistants(MGNREGA), Janpad Panchayat, Wadrafnagar to conduct an inquiry and pursuant to said order, inquiry was conducted. He would contend that in the inquiry, the petitioner was found guilty and

therefore, the Chief Executive Officer, Janpad Panchayat exercising power according to communication dated 28.09.2018 inflicted penalty.

5. I have heard the learned counsel appearing for the parties and perused the documents placed on record.
6. A perusal of the communication dated 28.09.2018 would make it clear that when complaint with regard to financial irregularities against Rojgar Sahahyak is received by the Chief Executive Officer, he shall conduct an inquiry and thereafter, forward its report to the Chief Executive Officer, Zila Panchayat. The Chief Executive Officer, Zila Panchayat shall issue a show cause notice to such Rojgar Sahayak and provide an opportunity of hearing. The relevant part of the communication dated 28.09.2018 is reproduced herein below :

"विषयांतर्गत संदर्भित पत्र के माध्यम से महात्मा गांधी राष्ट्रीय ग्रामीण रोजगार गारंटी योजना अंतर्गत ग्राम रोजगार सहायकों की योग्यता, नियुक्ति एवं पद समाप्ति के संबंध में निर्देश दिये गये है। ग्राम रोजगार सहायकों को पद से पृथक करने के संबंध में पत्र की कंडिका 13 में निम्नानुसार सशोधन किया जाता है-

1. ग्राम रोजगार सहायक के विरुद्ध अनियमितता / कर्तव्य के प्रति लापरवाही की जानकारी प्राप्त होने पर मुख्य कार्यपालन अधिकारी जनपद पंचायत द्वारा जांच की जावेगी। जांच में दोषी पाये जाने पर जांच प्रतिवेदन मुख्य कार्यपालन अधिकारी जिला पंचायत को प्रेषित की जायेगी।

2. मुख्य कार्यपालन अधिकारी, जिला पंचायत द्वारा संबंधित ग्राम रोजगार सहायक को उक्त प्रकरण के संबंध में कारण बताओं सूचना जारी कर उन्हें अपना पक्ष रखने का अवसर प्रदान किया जावेगा।

3. मुख्य कार्यपालन अधिकारी जिला पंचायत द्वारा की गई सुनवाई में दोषी पाये जाने पर जिला कार्यक्रम समन्वयक/कलेक्टर से अनुमोदन उपरांत मुख्य कार्यपालन अधिकारी जनपद पंचायत द्वारा पद से पृथक करने की कार्यवाही की जावेगी।"

7. In the present case, the Chief Executive Officer, Janpad Panchayat concurred with the Inquiry Report submitted by committee and issued the order of

termination.

8. Taking into consideration the above-discussed facts, order dated 05.03.2021 (Annexure P/1) is hereby quashed. The petitioner shall be entitled for reinstatement in service forthwith, without back wages. Respondents No. 3 & 4 are directed to afford an opportunity of hearing to the petitioner and take appropriate action strictly in accordance with the communication dated 30.07.2014 and 28.09.2018 within a period of 30 days from the date of receipt of copy of this order.
9. Mr. Vivek Siddharth Ojha, Panel Lawyer is directed to communicate this order to respondents No. 3 & 4.
10. With the aforesaid observation(s), and direction(s), the instant petition is hereby **disposed of**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Siddhant