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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4994 of 2026**

Dilip Kumar Madhukar S/o Shiv Dayal Madhukar Aged About 46 Years Formerly Working On The Post Of District Training Coordinator / H.R. (Dtc), Under National Health Mission, District Kondagaon C.G. Permanent R/o Ward No. 1, Sadakpara, Tulsi P.O. Misda, District Janjgir-Champa C.G.

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

1 - State Of Chhattisgarh Through The Principal Secretary, Department Of Health And Family Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur C.G.

2 - Director Health Services, Directorate Of Health Services, Atal Nagar, Raipur C.G.

3 - Secretary, Department Of Health And Family Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur C.G.

4 - Mission Director, National Health Mission (Nhm), Health Building, Sector- 19, Naya Raipur, Atal Nagar, C.G.



5 - Joint Director, National Health Mission (Nhm), Health Building,
Sector- 19, Naya Raipur, Atal Nagar, C.G.

6 - Deputy Director, National Health Mission (Nhm), Health Building,
Sector- 19, Naya Raipur, Atal Nagar, C.G.

7 - Chief Medical And Health Officer (Cmho) Kondagaon, District
Kondagaon C.G.

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s)	: Shri Shrikant Kaushik, Advocate
For Respondent/State	: Shri Y.S. Thakur, Addl. Advocate General along with Ms. Sakshi Bajpai, Panel Lawyer
For Respondent No. 4, 5 & 6:	Shri C. Jayant K. Rao, Advocate

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

03.07.2026

1. By the present writ petition, the petitioner seeks quashment of the impugned termination order dated 23.06.2026 (Annexure P-2) passed by respondent No.6/Commissioner-cum-Mission Director, National Health Mission, Chhattisgarh.
2. Learned counsel for the petitioner submits that vide impugned order dated 23.06.2026 the contractual assignment of the petitioner has been terminated by referring to Clause



34.3 of the Human Resource Policy-2018 framed by the National Health Mission, without affording due opportunity of hearing and, therefore, the same is contrary to the principles of natural justice. Learned counsel further submits that though the contractual assignment of the petitioner has been terminated on the allegation of misconduct, no enquiry, as contemplated under the Policy, has been conducted. Particularly be referring Clause 33 of Human Resource Policy, he submits that, though the Clause 33 provides a procedure of Constitution of enquiry Committee, to conduct an enquiry by recording statement of complainant and the delinquent employee, but the enquiry conducted without recording any statement of complainant and the petitioner himself. He submits that the impugned order is stigmatic in nature and has been passed without following the procedure prescribed under Clause 33 of the Human Resource Policy-2018. Hence, the termination order is contrary to the Policy as well as the principles of natural justice and deserves to be quashed.

3. *Per contra*, learned counsel appearing for respondents No.2 & 3, while supporting the impugned order, submits that the termination order has been passed by following Clause 34.3 of



the Human Resource Policy-2018. He submits that Clause 33, relied upon by the petitioner, pertains to the procedure for enquiry on a complaint or allegation received against an employee, whereas Clause 34.3 specifically empowers the appointing authority to terminate the contractual appointment of an employee found involved in misconduct after affording an opportunity of hearing. He further submits that in the present case, a show cause notice was issued to the petitioner and after considering his explanation, the impugned order has been passed. Therefore, according to learned counsel, there is no violation of either the Policy or the principles of natural justice and the writ petition deserves to be dismissed. However, he would very fairly submit that no statement of complainant and delinquent employee were recorded during the enquiry.

4. I have heard learned counsel for the parties and perused the pleadings as well as the documents appended with the writ petition, including the Human Resource Policy-2018 framed by the National Health Mission.
5. From a perusal of the impugned order and the material available on record, it appears that the contractual



engagement of the petitioner has been terminated by invoking Clause 34.3 of the Human Resource Policy, 2018 on the allegation of misconduct. Clause 34.3 provides that where a contractual employee commits misconduct or is found to be involved in any criminal or financial irregularity, his contractual engagement may be terminated after affording him an opportunity of hearing. At the same time, Clause 33 of the Policy lays down the procedure to be followed while dealing with allegations of misconduct. The said clause contemplates the constitution of an Enquiry Committee by the employer, conduct of a fair enquiry, recording of the statements of the complainant as well as the delinquent employee, submission of an enquiry report, and thereafter taking a decision regarding the imposition of punishment.

6. A perusal of Clause 33 of the Human Resource Policy makes it evident that the procedure prescribed therein is mandatory in nature before any action on the ground of misconduct is taken. The clause specifically requires that an enquiry be conducted by a duly constituted Enquiry Committee, during which the statements of both the complainant and the delinquent employee are to be recorded, followed by



submission of an enquiry report for consideration by the competent authority.

7. In the present case, the aforesaid procedure prescribed under Clause 33 of the Human Resource Policy has not been followed. There is nothing on record to show that the statements of either the complainant or the delinquent employee were recorded, or that any enquiry report was prepared and considered before passing the impugned order. Apart from the issuance of a show cause notice and consideration of the petitioner's reply, no further exercise, as contemplated under Clause 33 of the Policy, appears to have been undertaken. In the absence of compliance with the mandatory procedure prescribed under Clause 33, the invocation of Clause 34.3 for terminating the petitioner's contractual engagement on the ground of misconduct prima facie appears to be unsustainable.
8. Furthermore, the impugned order is founded upon allegations of misconduct and, therefore, is stigmatic in nature. It is settled law that even in the case of a contractual employee, a stigmatic order of termination cannot be passed without conducting a proper enquiry and without affording



due opportunity of hearing to the concerned employee.

9. In this regard, the Apex Court in ***Swati Priyadarshini vs. State of Madhya Pradesh & Ors., reported in 2024 SCC OnLine SC 2139***, has reiterated that where termination is founded upon allegations carrying stigma, the same must be preceded by a fair enquiry in accordance with law.
10. In the considered opinion of this Court, once the respondent authorities chose to terminate the contractual assignment of the petitioner on the ground of misconduct, strict adherence to the procedure prescribed under Clause 33 of the Policy-2018 was mandatory. The respondent authorities, however, proceeded to pass the impugned order without conducting any enquiry in terms of the said clause and merely on the basis of a show cause notice. Such action is contrary to the Policy itself and violative of the principles of natural justice.
11. In view of the aforesaid facts and circumstances, and having regard to the provisions contained in Clauses 33 and 34.3 of the Human Resource Policy-2018, this Court is of the opinion that the impugned order dated 23.06.2026 (Annexure P-2) has been passed without following the prescribed procedure and in violation of the principles of natural justice. Consequently,



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the impugned order is unsustainable in law and deserves to be, and is hereby, quashed.

12. Accordingly, the instant writ petition stands **allowed**.

13. However, the respondent authorities shall be at liberty to proceed afresh in accordance with law, if so advised, after affording due opportunity of hearing to the petitioner.

Sd/-

(BIBHU DATTA GURU)
JUDGE

Shoaib