



2026:CGHC:39053



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 5716 of 2022**

Prakash Singh Kshatriya S/o Kishan Singh Kshatriya Aged About 38 Years
Resident Of Shikshak Nagar, Ambedkar Ward, Mungeli, District Mungeli
Chhattisgarh. **... Petitioner**

versus

1- State Of Chhattisgarh Through The Secretary, Panchayat And Rural
Development Department, Mahanadi Bhawan, Mantralaya, Nawa Raipur
Chhattisgarh.

2- The Additional Commissioner, Durg Division, District Durg Chhattisgarh.

3- The Chief Executive Officer, Zila Panchayat, Durg, District Durg
Chhattisgarh. **... Respondent(s)**

For Petitioner	: Mr. P. R. Patankar, Advocate with Mr. Pravesh Sahu, Advocate
For Respondents No.1 & 2	: Mr. Vivek Siddharth Ojha, Panel Lawyer
For Respondent No.3	: Ms. Meena Shastri, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey**Order on Board****03/09/2026**

1. The petitioner has filed this petition seeking the following relief:-

"10.1 That, this Hon'ble Court may kindly be
pleased to issue an appropriate writ/ order,
thereby directing the respondent authorities to
set-aside/quash the impugned orders dated
01.08.2017 and 19.06.2014 (Annexure P/1 &
P/2).



10.2 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to reinstate the petitioner in service, with all consequential benefits including full wages, in accordance with law.

10.3 That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given.”

2. Facts in brief are that the petitioner was appointed to the post of Shiksha Karmi Grade-I vide order dated 14.09.2011 and was posted at Naveen High School, Bhadrali. The petitioner joined service pursuant to the order of appointment. The petitioner suffered from mental disease and, due to his illness, he could not continue his duties and remained absent from 19.08.2013. On 28.02.2014, respondent No. 3 issued a show-cause notice to the petitioner regarding his absence, wherein it was mentioned that earlier, on two occasions, i.e., 09.01.2014 and 14.02.2014, show-cause notices had been issued to the petitioner. An explanation was sought from the petitioner within a period of 15 days. The petitioner filed his reply on 11.03.2014, wherein he took the plea that he was never served with the notices dated 09.01.2014 and 14.02.2014 and stated therein that, due to mental disturbance, he remained absent from duties. Respondent No. 3, vide order dated 19.06.2014, issued an order removing the petitioner from service with effect from 19.08.2013. The petitioner preferred an appeal before respondent No. 2, which was dismissed vide order dated 01.08.2017. The petitioner has challenged both the orders by filing the present petition.
3. Mr. P.R. Patankar, learned counsel appearing for the petitioner would submit that the petitioner was appointed pursuant to the The Chhattisgarh Panchayat Shiksha Karmi (Recruitment and Conditions of Services) Rules, 2007, (for short, the Rules, 2007) on the post of Shiksha



Karmi Grade-I, but his services were terminated vide order dated 19.06.2014 without following the due process of law contemplated under the Rules, 2007. He would submit that no enquiry was conducted and no charge-sheet was issued. He would further submit that though a show-cause notice was issued, the procedure contemplated under the Rules, 2007 was not followed. He would contend that the order passed by respondent No. 3 is not sustainable; thus, the petition may be allowed.

4. On the other hand, learned State counsel would oppose the submission made by counsel for the petitioner and submit that the show-cause notice was issued to the petitioner to resume his duties, but he did not respond and subsequently a decision was taken to remove the petitioner from services. He would contend that sufficient opportunity of hearing was provided to the petitioner.
5. Ms. Shastri, learned counsel appearing for the respondent No.3 would submit that the petitioner remained unauthorisedly absent from his duties and, therefore, respondent No. 3 had no other option except to take action in accordance with law; thus, the petition deserves to be dismissed.
6. I have heard learned counsel for the parties and perused the documents.
7. In the present case, the petitioner was appointed to the post of Shiksha Karmi Grade-I vide order dated 14.09.2011, according to the Rules of 2007. The petitioner remained absent on account of mental disturbance, therefore, a show-cause notice was issued.
8. Order impugned as Annexure P/1 would show that the show-cause notice was replied to by the petitioner and subsequently a decision was taken by respondent No. 3 to terminate the services of the petitioner according to the provisions of the Rules, 2007.



9. The petitioner has placed medical documents to substantiate that he was taking treatment at the Chhattisgarh State Mental Hospital, Sendri, District Bilaspur. The respondents, in their return, have not stated that the medical documents placed on record by the petitioner were forged.
10. The order passed by respondent No. 3 dated 19.06.2014 shows that no enquiry was conducted and, on account of long absence from service, the petitioner was terminated.
11. As the petitioner was appointed to the post of Shiksha Karmi Grade-I, respondent No. 3 was under obligation to take an appropriate decision strictly in accordance with the Rules, 2007.
12. In the present case, no enquiry report was prepared and no charge-sheet was issued. The order dated 19.06.2014 was passed by an incompetent authority, who was not the disciplinary authority. The appellate authority, vide order dated 01.08.2017, also failed to consider the aforesaid legal position while passing the order.
13. Considering the above-discussed facts, both the impugned orders dated 01.08.2017 (Annexure P/1) & 19.06.2014 (Annexure P/2) are hereby **quashed**. The petitioner shall be reinstated in service forthwith along with all consequential benefits. However, respondent No. 3 would be at liberty to initiate a departmental enquiry strictly in accordance with law, if so advised.
14. The petition stands **allowed**. No order as to cost(s).

Sd/-

Rakesh Mohan Pandey

JUDGE