



2026:CGHC:3957



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 9098 of 2023

Smt. Varsha Sharma W/o Shri Vaibhav Sharma, Aged About 37 Years, Lecturer Panchayat, Govt. Higher Secondary School Bawankera, Tahsil And District Mahasamund, R/o Present Address Through Lakhanlal Verma Advocate Near Shiv Mandir, Subhash Nagar Durg, District Durg Chhattisgarh.

... Petitioner(s)

versus

1 - The Chief Executive Officer, Jila Panchayat Mahasamund District Mahasamund Chhattisgarh.

2 - Additional Commissioner, Raipur Division, Raipur, District Raipur Chhattisgarh.

... Respondent(s)

For Petitioner(s)	: Ms. Swati Agrawal, Advocate
For Respondent No.1	: Mr. Rahul Jha, Advocate
For Respondent/	Mr. Arpit Agarwal, Panel Lawyer
State	

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

22/01/2026

1. By way of this petition, the petitioner is is challenging her termination order dated 2.4.2018 (Annexure P/1) passed by



respondent No.1-Chief Executive Officer, Jila Panchayat, Mahasamund as well as the order dated 25.7.2023 passed by the Additional Commissioner, Raipur (respondent No.2) in Revenue Appeal Case No.230-A/89 Year 2017-18, Gram Bawankera, Tahsil and District Mahasamund (CG), whereby, the appeal preferred by the petitioner against the said order has been dismissed.

2. The petitioner has prayed for the following relief(s) :

- a. That the Hon'ble Court may kindly be pleased to allow the petition by quashing Annexure P-1, by holding it to illegal and bad in law since no leave cash has been prepared and no proper opportunity has been given to the petitioner and looking to the fact that she was also availed maternity leave was due to medical illness not attended the office and defend the case properly.
- b. Any other relief or direction which the Hon'ble Court may deems fit, be also awarded.

3. Necessary facts of the case are that the petitioner joined the post of Lecturer on 27.10.2010 and she worked regularly till 31.3.2014. Thereafter, she took Medical Leave on various dates. Subsequently, in pursuance of the office letter dated 3.9.2016, she rejoined the service on 23.9.2016, however, she again applied for medical leave, against which, a suspension order dated 26.7.2017 was passed. Respondent No.1 issued letter to the petitioner to file reply within 15 days in respect of the charge sheet. However, the petitioner did not file reply and instead sought extensions of time on several occasions. Consequently, Jila Panchayat, Mahasamund,



in its meeting held on 5.3.2018 recommended the termination of the petitioner's services. Pursuant to said recommendation, the petitioner was terminated from service vide order dated 2.4.2018 passed by respondent No.1.

4. Learned counsel for the petitioner submits that the petitioner's services were terminated without affording her a reasonable opportunity of being heard. She further submits that the procedure envisaged under Rules 5 and 7 of the Panchayat Service (Discipline and Appeal) Rules, 1999 (in short "the Rules, 1999") was not followed. Pursuant to the said Rules, the concerned authority is required to serve a notice, frame specific charges and afford the petitioner an opportunity to file a written statement of defence. Furthermore, the authorities are mandated to appoint an Enquiry Officer to record both oral and documentary evidence. He submits that only after following this complete process of law, an order of punishment can be passed. She submits that since the aforesaid mandatory procedures were not followed, the impugned order is not sustainable and is liable to be set-aside. ,
5. Learned counsel for respondent No.1 submits that on account of the unauthorised absence of the petitioner, she was issued notice followed by a charge sheet. However, the petitioner did not cooperate with the enquiry and despite opportunities, she remained absent from the enquiry. Consequently, the concerned authority was constrained to pass the termination order dated 2.4.2018. Learned counsel for respondent No.1 further argued that the petitioner has an alternative statutory remedy available under the law before the State Government. However, instead of



exhausting that efficacious remedy, the petitioner has directly approached this Court, As such, this petition is liable to be dismissed.

6. I have heard learned counsel for the parties and have also perused the documents annexed along with the petition.
7. On perusal of the record, it appears that since a major penalty was imposed upon the petitioner bearing civil consequences such as removal from service, the prescribed statutory procedure was mandatory and required to be followed. The procedure prescribed for the imposition of a major penalty under Rule 7 of the Rules, 1999 has not been followed in the present case. Consequently, the impugned orders are not sustainable and are liable to be quashed.
8. Even if any charge has been levelled against the petitioner, the same does not authorise her removal from service without following the prescribed legal procedure. The procedures are envisaged under the Rules to ensure strict compliance; in absence of such compliance with the said Rules, a major punishment cannot be legally imposed against the petitioner.
9. Accordingly, the impugned order 2.4.2018 (Annexure P/1) as well as the Appellate order dated 25.7.2023 (Annexure P/5) are hereby quashed. Respondent No.1 is granted liberty to conclude the disciplinary proceedings and pass appropriate orders after strictly following the procedure prescribed under Rules 5 & 7 of the Rules, 1999. It is directed that the concerned authority shall pass a fresh, reasoned and speaking order after affording the petitioner a due opportunity of being heard.



10. It is also incumbent upon the petitioner to participate in the Department Enquiry. However, if the petitioner fails to cooperate, the authorities would be at liberty to pass necessary orders in accordance with law. Further, no leniency shall be granted to any party that defaults, whether in the discharge of service duties or in the conduct of the Departmental Enquiry,

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

Sd/-

(Amitendra Kishore Prasad)

Judge

Shyna Ajay