

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 17892/2015

Sharad Sinha S/o Late Shri Rajendra Sinha, aged about 50 years, R/o C/o Guddu Bhai, Masjid Wali Gali, Infront of Deendayal Advocate house, Bhantipura, District Dholpur (Rajasthan).

----Petitioner

Versus

1. State of Rajasthan through Principal Secretary, Medical and Health Department, Government of Rajasthan, Secretariat, Jaipur.
2. The Special Secretary cum Mission Director, National Health Mission, Directorate Medical Health and Family Welfare Service, Swasthya Bhawan, C-Scheme, Jaipur.
3. The Chief Medical and Health Officer, Medical Health and Family Welfare Service, District Dholpur.

----Respondents

For Petitioner(s)	:	Mr. Sandeep Saxena Ms. Savita
For Respondent(s)	:	Ms. Sweekriti Sharma

HON'BLE DR. JUSTICE NUPUR BHATI

Order

19/03/2026

1. The instant writ petition has been filed by the petitioner with the following prayers:

"It is, therefore, prayed that the Hon'ble Court may call for the entire record concerning the case and after examining the same, by issuing writ, order or direction or in the nature thereof;

i). And the order dated 30.10.2015 may kindly be quashed and set aside and the respondents are directed to reinstate the petitioner with all consequential benefits.

ii). Any prejudicial order to the interest of the petitioner, if passed during the pendency of the writ petition, the same may kindly be taken on record and be pleased to quash and set aside.,

iii). Any other appropriate writ, order or direction, which this Hon'ble Court may consider just and proper, in the

facts and circumstances of the case, may kindly be passed in favour of the petitioner.
iv). Cost of this writ petition may also be awarded in favour of humble petitioner."

2. Briefly stated, the facts of the case are that the petitioner was appointed as Block Program Manager under the National Rural Health Mission pursuant to an advertisement dated 26.06.2008 issued by the Rajasthan State Health Society. After undergoing a due selection process, he was found suitable and was appointed on 10.10.2008 by the Chief Medical and Health Officer, Dholpur. The petitioner executed a contract of service and continuously discharged his duties with dedication and sincerity, earning appreciation through his annual appraisal reports. His contract was periodically renewed and extended in view of his satisfactory and unblemished service record. During the course of his employment, although certain show-cause notices were issued to him, the petitioner duly submitted explanations which were accepted by the competent authorities, and no adverse action was taken at that time. Despite his consistent performance, the petitioner faced administrative difficulties due to a lack of adequate support and facilities from the concerned authorities, which he also brought to their notice. Subsequently, a show-cause notice dated 14.10.2015 was issued to the petitioner, to which he submitted a detailed reply. Thereafter, by order dated 24.10.2015, he was directed to report to the Mission Director, NHM, Jaipur, and he complied by submitting his joining on 28.10.2015. However, without granting him any opportunity of hearing or issuing any further notice, his services were abruptly terminated vide order dated 30.10.2015 in an arbitrary and illegal manner, in violation of the principles of

natural justice. Aggrieved by the said termination order, the petitioner submitted a detailed representation to the competent authority, which remains undecided. The impugned order has caused serious prejudice to the petitioner, compelling him to file the present writ petition challenging the legality and validity of the termination.

3. Learned counsel for the petitioner submits that the respondents served a show-cause notice dated 14.10.2015 (Annex-7) upon the petitioner, alleging that he had remained absent from the office without prior intimation. He further submits that an explanation was also sought from the petitioner regarding the status of important schemes of the medical department, such as PCTAS, OSAJ, E-Subhlaxami, ECTS, ASHA-Soft, HMIS, etc. He further submits that the petitioner was further called upon to explain the work discharged by him for the successful implementation of the aforesaid schemes within a period of 15 days and it was also indicated in the notice that, in case of failure to submit an explanation, disciplinary action would be initiated.

4. Counsel further submits that the petitioner furnished a detailed reply (Annex-8), stating that his absence was on account of medical reasons, and also specifically clarified the work performed by him in relation to the schemes mentioned in the notice. He further submits that, notwithstanding the same, the respondents terminated the services of the petitioner vide order dated 30.10.2015 (Annex-11), stating therein that during the petitioner's tenure under the Special Secretary cum Mission Director, NRHM, it was revealed that the petitioner was not

interested in departmental work, had negligible knowledge of the programmes, and was not committed to his duties. Learned counsel for the petitioner further submits that the explanation sought from the petitioner pertained to his alleged absence from service and the progress of the important schemes referred to in the show-cause notice (Annex-7).

5. However, the termination has been effected on entirely different grounds, namely, that the petitioner lacked sufficient knowledge of the schemes assigned to him and was not interested in departmental work. It is contended that no reasons have been assigned in the termination order to substantiate these allegations or to demonstrate how the petitioner was disinterested in his duties or deficient in knowledge regarding the programmes entrusted to him.

6. Learned counsel for the respondents, on the other hand, submits that the petitioner was afforded sufficient opportunity of hearing by the issuance of the show-cause notice dated 14.10.2015 (Annex-7), however, the respondents were not satisfied with the reply submitted by the petitioner and, therefore, rightly terminated his services upon finding that he neither possessed adequate knowledge of the programmes nor properly discharged the work assigned to him.

7. I have given my anxious consideration to the rival submissions made by counsel for the parties and have also perused the material available on record.

8. The termination order dated 30.10.2015 (Annex-11) is reproduced as under:

“ क्रमांक:— एफ20 (191) एनआरएचएम/एचआर/2015/1201 दिनांक 30.10.15

मुख्य चिकित्सा एवं स्वास्थ्य अधिकारी
धौलपुर

विषय:— श्री शरद सिन्हा, बीपीएम धौलपुर की संविदा सेवा समाप्त करने के संबंध में।

संदर्भ:— बीसीएमओ धौलपुर का पत्र क्रमांक 847-50, दिनांक 24.10.2015

उपरोक्त विषयान्तर्गत एवं संदर्भित पत्र के क्रम में श्री शरद सिन्हा, संविदा ब्लॉक कार्यक्रम प्रबन्धक, ब्लॉक धौलपुर, एनआरएचएम जिला धौलपुर को ब्लॉक मुख्य चिकित्सा अधिकारी धौलपुर ने अपने पत्र क्रमांक संस्था/2015/847-50, दिनांक 24.10.2015 के द्वारा अपनी उपस्थिति मिशन निदेशक, एनएचएम के कार्यालय में देने हेतु कार्यमुक्त किया गया।

मिशन निदेशक, एनएचएम महोदय के समक्ष उपस्थिति के दौरान यह परिलक्षित हुआ कि कार्मिक की विभागीय कार्य में रुचि नहीं है, कार्यक्रमों के संबंध में जानकारी नगण्य है एवं ये कार्य के प्रति गंभीर नहीं है।

अतः निर्देशानुसार श्री शरद सिन्हा, ब्लॉक कार्यक्रम प्रबन्धक, धौलपुर, जिला धौलपुर को विभागीय कार्य में लापरवाही बरतने एवं कार्य के प्रति गंभीर नहीं होने के कारण इनकी संविदा सेवाएं तुरन्त प्रभाव से समाप्त कर पालना रिपोर्ट से अद्योहस्ताक्षरकर्ता को अविलम्ब अवगत करावें। ”

9. A careful and conscientious perusal of the termination order dated 30.10.2015 (Annex-11) unambiguity discloses that the respondents, while bringing the petitioner's services to an abrupt end, has contented itself with recording bald and unsubstantiated assertions to the effect that the petitioner was not interested in the departmental works assigned to him. The order further proceeds to characterize the petitioner as negligent in the discharge of his duties and having no knowledge about the work assigned to him. However, these allegations rest on no discernible foundation, inasmuch as the order is conspicuously bereft of any reasons, particulars, or material that would lend credence to such serious imputations.

10. This Court also finds that there is a complete absence of any rational explanation as to how the petitioner is alleged to possess negligible knowledge of the programmes entrusted to him or to lack commitment towards his duties. Even more disquieting is the fact that the grounds now pressed into service in the termination

order stand in stark and irreconcilable contrast to those articulated in the show-cause notice (Annex-7) dated 14.10.2015. Such a material divergence strikes at the very root of procedural fairness, as it deprived the petitioner of a meaningful opportunity to meet the case against him. In these circumstances, it becomes abundantly clear that the impugned action is vitiated by arbitrariness and stands in flagrant violation of the settled principles of natural justice. The petitioner has, in effect, been condemned unheard. The termination order, therefore, cannot be sustained in the eyes of law and deserves to be unequivocally quashed and set aside.

11. In view of the foregoing discussion, the instant writ petition merits acceptance and is accordingly allowed. The termination order dated 30.10.2015 (Annex-11) is hereby quashed and set aside. The respondents are directed to reinstate the petitioner within a period of four weeks.

12. Stay petition also stands disposed of.

(DR. NUPUR BHATI),J