

**IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR**

**BEFORE**

**HON'BLE SHRI JUSTICE ASHISH SHROTI**

**WRIT PETITION No. 14554 of 2023**

***RAVINDRA YADAV***

*Versus*

***STATE OF MADHYA PRADESH AND OTHERS***

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**Appearance:**

Shri B.P.Pathak & Shri Shivam Kumar, Advocates for the petitioner.

Shri K.K.Prajapati- GA for the respondents/State.

**RESERVED ON:** 18/08/2025

**ORDER PASSED ON:** 04/09/2025

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**O R D E R**

Petitioner has filed this petition under Article 226 of the Constitution of India challenging the order dated 23/12/2020 (Annexure P/5), whereby, respondent no. 6 has terminated his contractual services from the post of Gram Rojgar Sahayak. He has also challenged the order dated 23/2/2023 (Annexure P/1) passed by respondent no. 4, whereby, his appeal against the order of punishment has been dismissed. The petitioner has further prayed for a direction to the respondents to reinstate him in service with full back wages.

2. The facts necessary for decision of this case are that the petitioner was initially appointed as Gram Rojgar Sahayak in MGNREGA Scheme in Gram Panchayat Kajrai, Janpad Panchayat Ashoknagar, District Ashoknagar on contract basis vide order dated 15/12/2014 (Annexure P/2).

3. From the records, it is gathered that certain complaints were made by the villagers against the petitioner, Panchayat Secretary and Sarpanch of the Gram Panchayat with regard to irregularities in construction work carried out in Gram Panchayat. Respondent no. 6 constituted a three member

committee to enquire into the allegations vide order dated 22/9/2020. The Committee conducted the enquiry and submitted its report, wherein, the petitioner as also the Sarpanch and Panchayat Secretary of the Gram Panchayat were held guilty of disbursement of the amount without there being any work on site. It is pertinent to note here that the Committee called all the three persons to participate in the enquiry, however, the petitioner alone remained present on the date of inspection. Further, the Committee enquired about the allegations from various villagers, which are named in the enquiry report. Thereafter, based upon the report submitted by the Committee, respondent no. 6 terminated the petitioner's services vide order dated 23/12/2020 (Annexure P/5). A perusal of this order goes to show that the action was taken on the instructions issued by Chief Executive Officer, Zila Panchayat, Ashok Nagar.

4. From the record, it is gathered that Chief Executive Officer, Zila Panchayat asked the Chief Executive Officer, Janpad Panchayat, Ashok Nagar to furnish information about the amount which has been withdrawn without there being any work within a period of one week. In response, Chief Executive Officer, Janpad Panchayat, Ashok Nagar submitted the information vide memo dated 9/12/2020. However, the Chief Executive Officer, Zila Panchayat, Ashok Nagar was not satisfied with the information submitted, and therefore, asked the Chief Executive Officer, Janpad Panchayat, Ashok Nagar to appear on 17/12/2020 before him alongwith the concerned employees and to submit fresh information. The Chief Executive Officer, Janpad Panchayat, Ashok Nagar submitted the information on 18/12/2020.

5. The Panchayat Secretary namely Smt. Madhu Ahirwar was placed under suspension vide order dated 21/12/2020 passed by the Chief Executive Officer, Zila Panchayat, Ashok Nagar based upon the report submitted by the Committee. By another order dated 23/12/2020 passed by the Chief Executive Officer, Janpad Panchayat, Ashok Nagar on the instructions of the Chief Executive Officer, Zila Panchayat, Ashok Nagar,

the punishment of termination from services was inflicted upon the petitioner. It is also gathered from the record that the suspension of the Panchayat Secretary was later on revoked vide order dated 12/5/2021 (Annexure P/7). A perusal of this order shows that some enquiry was pending against the Panchayat Secretary and the Sarpanch at that point of time. However, there is nothing available on record to show the fate of said enquiry.

6. Being aggrieved, the petitioner challenged the order of punishment by filing an appeal before the Chief Executive Officer, Zila Panchayat, Ashok Nagar. The appeal got dismissed vide order dated 21/5/2021 (Annexure P/8) on the ground that under the relevant provisions, the appeal would lie before the Commissioner, Gwalior Division, Gwalior (respondent no. 2). Accordingly, the petitioner preferred the appeal before the Commissioner, which is brought on record as Annexure P/9. The Commissioner was pleased to partly allow the appeal vide order dated 10/5/2022 (Annexure P/10). Having recorded a finding that the petitioner was not provided with adequate opportunity of hearing and the matter was remitted to the Collector/District Programme Coordinator (MGNREGA) with the direction to decide the matter afresh after affording due opportunity to the petitioner. He was also directed to keep into mind the provisions of Circular dated 21/1/2021 while deciding the appeal.

7. Pursuant to the remand order passed by the Commissioner, respondent no. 4 issued a notice to petitioner asking him to appear before him on 27/9/2022 and produce the relevant evidence /documents in support of his case. The petitioner submitted his representation before respondent no. 4 vide Annexure P/12. Thereafter, vide impugned order dated 23/2/2023, the appeal is dismissed by respondent no. 4.

8. Challenging the impugned orders, learned counsel for the petitioner primarily alleged ground of non-compliance with principles of natural justice inasmuch as no charges were framed against the petitioner and he was not afforded adequate opportunity of hearing before passing of

impugned order. It is his submission that even though in his explanation, the petitioner has made various submissions, which are required to be enquired into by a fact finding enquiry, however, the impugned orders have been passed solely based upon the enquiry report submitted by the three members Committee. He further submitted that the Commissioner, Gwalior Division, Gwalior remitted the matter to respondent no. 4 with specific direction to decide the matter afresh after providing adequate opportunity of hearing to the petitioner keeping in view the provisions of Circular dated 21/1/2021, however, respondent no. 4 again failed to comply with the directions issued in the remand order and has mechanically passed the impugned order dated 23/2/2023. He placed reliance upon the judgments passed by the coordinate Benches of this Court in the cases of *Rajdeep Singh Sendhaw Vs. State of M.P. & Ors, in W.P. No.10225/2023*, *Pawan Kumar Thakur Lodhi Vs. State of M.P. & Ors., in W.P. No.3002/2024* and *Satyaprakash Jatav Vs. State of M.P. & Ors. in W.P. No.29509/2022*.

9. On the other hand, learned counsel for the State supported the impugned orders and submitted that the petitioner was only a contractual employee and was therefore, not having any right to continue in service after expiry of period of his contract in the month of March, 2021. He further submitted that findings were recorded against the petitioner by the three members Committee, which had called the petitioner also to participate in the enquiry. Therefore, if the impugned order is passed based upon the said enquiry report, nothing wrong can be said to have been done by the authorities. He further submitted that the action has been initiated against the Sarpanch and Panchayat Secretary of the Gram Panchayat by issuing a show cause notice dated 24/12/2020 (Annexure R/1), and therefore, the objection of discrimination raised by the petitioner is also not available to him. He therefore, prays for dismissal of the petition.

10. Considered the arguments and perused the records.

11. The principles of natural justice are required to be complied with while taking action against a contractual employee also like the petitioner.

This has been so held by this Court in the cases of *Rajdeep Singh Sendhaw (supra)*, *Pawan Kumar Thakur Lodhi (supra)* and *Satyaprakash Jatav (supra)* as relied upon by learned counsel for the petitioner. Further, in the petitioner's appointment order dated 15/12/2014, Clause 15 specifically provides that in case of any misconduct or involvement in criminal activities, the Appointing Authority can terminate the contractual service of petitioner after giving him reasonable opportunity of hearing. Further, Clause 1.14.1 of Circular dated 5/6/2018 (Annexure P/14) also provides for the same provision and the same reads as under:-

“1.14.1 संविदा पर कार्यरत अधिकारियों/कर्मचारियों की सेवा युक्तियुक्त आधार व कारणों के बिना समाप्त नहीं की जावे । किसी के विरुद्ध गम्भीर आरोपों की स्थिति में कारण बताओ सूचना पत्र जारी कर युक्तियुक्त सुनवाई का अवसर देने एवं समग्र रूप से जाँच पूर्ण करने के बाद ही सेवा समाप्त की जा सकेगी ।”

**12.** Therefore, the compliance of principles of natural justice by affording adequate opportunity of hearing to the petitioner was the mandate of law. It is therefore, required to be seen as to whether, the aforesaid requirement of law has been satisfied in the present case or not ?

**13.** Admittedly, the impugned orders have been passed based upon the report submitted by three members Committee which has been brought on record as Annexure P/3. It is also not in dispute that no show cause notice was issued to the petitioner by the Committee before or after the enquiry. No doubt, the petitioner was asked to remain present during the inspection which he duly complied with. However, that would not satisfy the legal requirement of providing him opportunity of hearing. It was incumbent upon the respondent authorities to have framed specific allegations against the petitioner and asked him for his explanation. Further, if the explanation given by the petitioner was found to be factual, necessary evidence was also required to be led in support of the charges. At least, the petitioner should have been granted an opportunity to give his evidence in rebuttal of the allegations. However, the authorities have miserably failed in complying the aforesaid minimum requirement of law.

**14.** The Chief Executive Officer, Zila Panchayat, Ashok Nagar though

summoned the Chief Executive Officer, Janpad Panchayat, Ashok Nagar alongwith the concerned officers vide memo dated 15/12/2020, however, that would also not satisfy the requirement of principles of natural justice inasmuch as the petitioner was still not informed about the specific allegations being enquired into.

**15.** From a perusal of the explanation given by the petitioner before respondent no. 4 as also the grounds raised by him in the appeal, it is evident that various factual aspects have been raised by the petitioner. He has specifically denied his power to withdraw the amount and has stated that the said power vests with the Sarpanch and the Panchayat Secretary. He has also stated that the musters were prepared by him on the instructions of the Panchayat Secretary and the Sarpanch. The aforesaid explanation given by the petitioner is not found to have been considered either by respondent no. 6 or by respondent no. 4 in the impugned orders.

**16.** It is also profitable to mention here that the Chief Executive Officer, Zila Panchayat, Ashok Nagar vide memo dated 9/1/2023(Annexure P/13) has recommended for a lenient view to be taken in the matter. This was so recommended in view of the treatment given to the other employees viz. the Panchayat Secretary -Smt. Madhu Ahirwar, whose suspension was already revoked on 12/5/2021 and also in view of the fact that complaint made to the Office of Lokayukt has also been closed. However, this also has not been taken into account by respondent no. 4 while passing the impugned order.

**17.** The another important aspect which was to be considered is issue of quantum of punishment which was required to be considered by respondent no. 6 and respondent no. 4 while passing the impugned orders. The petitioner has given his explanation denying his involvement in the matter of disbursement of the amount. If this is found correct, this would certainly effect the ultimate punishment which is required to be passed in the matter. It is profitable to refer to the memo dated 16/8/2022 (Annexure P/17) issued by the Commissioner, M.P. State Employment Guarantee Council to all

Collectors/District Programme Coordinators under MGNREGA Scheme stating that in cases of Gram Rojgar Sahayak, termination order should not be passed mechanically, instead, the other punishments like warning, censure, no work no pay can also be imposed looking to the gravity of the allegations made. He has deprecated the practice of terminating the services of Gram Rojgar Sahayak mechanically in all cases.

**18.** In view of the aforesaid, this Court is of the considered opinion that respondents have failed to provide adequate opportunity of hearing to the petitioner. Further, the issue of quantum of punishment has also not been considered while passing the impugned orders.

**19.** Resultantly, the impugned order dated 23/12/2020 (Annexure P/5) and the order dated 23/2/2023 (Annexure P/1) are set aside. The respondents are directed to reinstatement the petitioner in service. The respondents are also granted liberty to take action afresh after affording due opportunity of hearing to petitioner keeping in view the provisions of various circulars issued by the State Govt. from time to time in this regard as also the observations made by this Court hereinabove.

**20.** In the peculiar facts and circumstances of the case, it is directed that the issue of payment of back wages to the petitioner for the intervening period shall be decided based upon the outcome of the enquiry that is to be conducted pursuant to the order passed by this Court.

**21.** With the aforesaid, the petition stands allowed and disposed of.

**(ASHISH SHROTI)**  
**JUDGE**

JPS/-