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WP-25652-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJAY DWIVEDI

ON THE 13th OF SEPTEMBER, 2024WRIT PETITION No. 25652 of 2024*BABY RAJA BUNDELA**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Arvind Kumar Pathak - Advocate for the petitioner.

Shri Girish Kekre - Government Advocate for the respondent/State.

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ORDER

Counsel for the petitioner by the instant petition is challenging validity of the order dated 13.08.2024(Annexure P/1) passed by the respondent No.4 whereby the services of the petitioner have been terminated from the post of Gram Rozgar Sahayak. He submits that from perusal of the order impugned, it reveals that against the petitioner, a complaint was made to the Police Station Kudila, District Tikamgarh on 26.06.2023 and offence under Sections 420, 467, 468 and 417 of the Indian Penal Code got registered against him. After coming to know about registration of the offence, a show cause notice was issued to the petitioner on 30.11.2023. In response to the said show cause notice, the petitioner himself has admitted that due to registration of offence against him, he remained in jail with effect from 24.11.2023 to 09.01.2024 and as such, respondents in pursuance of the guidelines issued in respect of Gram Rozgar Sahayak on 02.11.2019, terminated his services.



Considering the submission made by counsel for the petitioner and on perusal of the impugned order, I am of the opinion that petitioner has been granted opportunity and he has also been heard before taking the decision. The policy/guidelines very categorically provides that if the offence is very heinous, then the employee can be terminated by giving him opportunity of hearing. In the present case, the petitioner has been granted proper opportunity. Even otherwise, when the petitioner himself has admitted that he remained in jail, the situation which is existing in this case cannot be modified and even after granting opportunity of hearing and following principles of natural justice, the decision would be the same. The order is appealable and petitioner should have availed the remedy of appeal but at this stage, I do not find any substance in the submission so made by counsel for the petitioner.

The petition, therefore, *sans* merit is accordingly **dismissed**.

(SANJAY DWIVEDI)
JUDGE