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WA-2480-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,  
CHIEF JUSTICE

&amp;

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 3<sup>rd</sup> OF NOVEMBER, 2025

WRIT APPEAL No. 2480 of 2025

*THE CHIEF MUNICIPAL OFFICER*

*Versus*

*NARAYAN PRASAD CHOUDHARY AND OTHERS*

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Appearance:

*Shri N.K. Mishra - Advocate for appellant.*

*Shri R.K. Tiwari - Advocate for respondent no.1.*

*Dr.S.S.Chouhan - Government Advocate for respondents/State.*

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ORDER

*Per. Hon'ble Shri Justice Sanjeev Sachdeva, Chief Justice*

1. Appellant impugns order dated 04.08.2025, whereby the writ petition filed by the respondent has been allowed. Respondent was employed as a computer operator. By an order dated 06.09.2022, the services of the petitioner were terminated on the alleged compliance of the directions issued by the Collector.
2. Learned Single Judge has noticed that there was no independent application of mind by the competent authority i.e. Chief Municipal Officer and the Chief Municipal Officer had merely acted on the dictat of the Collector who was not the appointing authority or the competent authority to issue directions in respect of employees of Municipal Corporation.
3. Learned counsel for appellant submits that there were certain



irregularities noticed in the functioning of the respondent employee which were brought to the notice of Municipal Council by the Collector and in view thereof, services of the respondent was terminated.

4. It is an admitted position before us that no independent enquiry was conducted by the Municipal Officer after the receipt of the complaints through the Collector and merely on the oral directions of the Collector, action has been taken. It was implicit on the appellant to have applied his own independent mind to ascertain as to whether there was any substance in the complaints which were received by the Collector or not.
5. At this stage, learned counsel for appellant seeks leave to withdraw the appeal, reserving the right of the appellant to take appropriate action in accordance with law after conducting the proper preliminary enquiry.
6. In view of the above, appeal is dismissed as withdrawn. Appellant shall comply with the order of the Learned Single Judge and take the respondent on duty forthwith and thereafter would be at liberty to take appropriate action in accordance with law, if so required.
7. It is clarified that this Court has neither considered nor commented on the merits or the contentions of any party.
8. All rights and contentions of the parties are reserved.

(SANJEEV SACHDEVA)  
CHIEF JUSTICE

(VINAY SARAF)  
JUDGE