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

**BEFORE
HON'BLE SHRI JUSTICE VIVEK AGARWAL**

ON THE 26th OF APRIL, 2024

WRIT PETITION No. 17555 of 2019

BETWEEN:-

**SANTOSH MAHAJAN S/O SHRI GOPAL MAHAJAN
OCCUPATION: ROJGAR SAHAYAK VILLAGE BIRONDA
P.S. LALBAGH TEHSIL AND DIST. BURHANPUR
(MADHYA PRADESH)**

.....PETITIONER

(BY SHRI BRAHMENDRA PATHAK - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH ITS PRINCIPAL
SECRETARY VALLABH BHAWAN BHOPAL
(MADHYA PRADESH)**
- 2. COMMISSIONER RAJAYA ROJGAR GUARANTEE
PARISHAD (PANCHAYAT AND GRAMIN VIKASH
VIBHAG KE ADHINI GATHIT PANJIKRIT
SANSTHA) NARMADA BHAWAN NARMAD
BHAWAN SECOND FLOOR C WING 59 ARERA
HILLS BHOPAL (MADHYA PRADESH)**
- 3. COMMISSIONER INDORE DIVISION INDORE
(MADHYA PRADESH)**
- 4. COLLECTOR BURHANPUR DISTT. BURHANPUR
(MADHYA PRADESH)**
- 5. CHIEF EXECUTIVE OFFICER ZILA PANCHAYAT
DISTT. BURHANPUR (MADHYA PRADESH)**
- 6. CHIEF EXECUTIVE OFFICER JANPAD PANCHAYAT
DISTT. BURHANPUR (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI SOURABH SONI - PANEL LAWYER)

.....
This petition coming on for admission this day, the court passed the

following:

ORDER

Petitioner's contention is that petitioner was subjected to termination vide order dated 12/09/2017 passed by the Chief Executive Officer, Janpad Panchayat Burhanpur whereas the inquiry was conducted subsequently as contained in Annexure P-1 and the date of the enquiry report is 14/11/2017.

Thus, it is evident that petitioner has been subjected to the penalty without conducting any inquiry and, therefore, the orders passed by the Additional Collector and Commissioner deserve to be set aside.

In view of the law laid down by the High Court in W.P. No. 3002/2024 **Pawan Kumar Thakur Lodhi Vs. State of M.P. and others** wherein it is evident that no opportunity of hearing was given to the petitioner and the impugned order was set aside.

In the present case, inquiry was conducted after passing of the termination order. Such order of termination cannot be sustained in the eyes of law.

Accordingly, the orders dated 12/09/2017 Annexure P-2, 7/09/2018 Annexure P-3 and 18/06/2019 Annexure P-4 are quashed.

Respondents are directed to pass fresh orders after affording an opportunity to the petitioner.

In above terms, the petition is disposed of.

(VIVEK AGARWAL)
JUDGE