Juveda Khatoon Vs The State of Jharkhand and Others

Court: Jharkhand High Court

Date of Decision: Sept. 6, 2013

Citation: (2014) 1 AJR 459 : (2013) 4 JLJR 273

Hon'ble Judges: S. Chandrashekhar, J

Bench: Single Bench

Advocate: Ragini, for the Appellant; Arbind Kumar, for the Respondent

Final Decision: Disposed Off

Judgement

S. Chandrashekhar, J.
The petitioner has challenged the order dated 18.1.2007, whereby she has been dismissed from the post of

Aanganbari Sahaika. The brief facts of the case as disclosed in the writ petition are that, the petitioner was appointed pursuant to decision taken by

the Selection Committee on 19.6.2004 and she was posted as Aanganbari Sahaika vide order dated 6.12.2004. A complaint dated 26.10.2006

was made by the petitioner to the Block Development Officer, Gomia complaining the misconduct of the Child Development Project Officer and

Aanganbari Sewika namely, Smt. Salma Khatoon and therefore, false complaints were made against her. A show-cause notice was given to the

petitioner and it has been claimed by the petitioner that she has submitted her reply to the show-cause notice, however, by the impugned order

dated 18.1.2007 the service of the petitioner was terminated and therefore, the petitioner has approached this court by filing the present writ

petition.

2. A counter-affidavit has been filed taking a plea that since the petitioner refused to sign the cheque, money could not be withdrawn from the bank

and therefore, the scheme suffered. It has been specifically denied by the respondents that the petitioner submitted her reply to the show-cause

notice dated 8.11.2006.

3. Heard learned counsel appearing for the parties and perused the documents on record.

4. Learned counsel appearing for the petitioner has submitted that the impugned order dated 18.1.2007 does not disclose any reasons and more

particularly, it does not fix the responsibility upon the petitioner that she was responsible for not withdrawing the money from the bank. No enquiry

was conducted in this matter and the complaint made by the petitioner has not been enquired into. She raised a specific plea that money allocated

for the scheme was misappropriated and therefore, she refused to sign the cheques. She has further submitted that no reasons has been assigned

by the respondent No. 7 nor there is any allegation of any misappropriation of money and/or motive on the part of the petitioner.

5. On the other hand, learned counsel appearing for the respondents has supported the order of termination dated 18.1.2007 and submitted that

since this is a contractual appointment, there was no need for holding an enquiry in the matter. Since, the petitioner failed to submit reply to the

show-cause notice, the authorities passed the order of termination.

6. On a perusal of the documents, it appears that Respondent No. 7 has not assigned any reason and it has not been found by the Respondent No.

7 that the petitioner is responsible for not withdrawing money from the bank. The complaint of the petitioner has not been looked into and if her

allegations are factually correct, she may be justified in not signing the cheques. It has not been stated by the respondents in the counter-affidavit

filed by them in the present proceeding that some other person has been appointed on the post on which the petitioner was working. However,

since there is specific provisions for preferring appeal before Deputy Commissioner in terms of Rules framed by the State of Jharkhand, it would

serve the ends of justice, if the petitioner is given liberty to prefer an appeal before the appellate authority. Accordingly, Respondent No. 2-Deputy

Commissioner, Bokaro is directed to hear and dispose of the appeal, if any, preferred by the petitioner within a period of 8 weeks. Petitioner

would be at liberty to prefer an appeal within 6 weeks from the date of receipt of this order. This writ petition is disposed of in the aforesaid terms.