

Purkha Ram Chaba Vs. State and ors

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Court : Rajasthan Jodhpur

Decided On : Aug-29-2014

Appellant : Purkha Ram Chaba

Respondent : State and ors

Advocate for Pet/Ap. : Dr. Nupur Bhati

Judgement :

S.B. CIVIL WRIT PETITION No.6073/2014. Purkha Ram Chaba Vs. State of Rajasthan & Ors. Order dated 29/08/2014 1/3 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR. ::

ORDER

:: S.B. CIVIL WRIT PETITION No.6073/2014. Purkha Ram Chaba Vs. State of Rajasthan & Ors. Date of Order ::::

29. h August, 2014. PRESENT HON'BLE Dr. JUSTICE VINEET KOTHARI
Appearance: Mr. Purkha Ram Chaba, petitioner present-in-person. -- BY THE COURT:

1. The lawyers are observing strike which is contrary to various Supreme Court decisions. Names of Mr. Pawan Singh and Dr. Nupur Bhati, counsel for the petitioner, are shown in the cause list.

2. Heard the petitioner, who is present in person.

3. The petitioner was working as Junior Technical Assistant (JTA) having been appointed since 21.05.2008 on contract basis. His contractual services have been discharged with effect from 30.06.2014 finding certain irregularities in the S.B. CIVIL WRIT PETITION No.6073/2014. Purkha Ram Chaba Vs. State of Rajasthan & Ors. Order dated 29/08/2014 2/3 work performed by him. The petitioner has filed a representation before the Chief Executive Officer, Zila Parishad, Nagaur, inter-alia, alleging that on the date of inspection i.e. on 01.07.2014, he was not the in-charge of the works undertaken in the Gram Panchayat- Fidod and Gwalu and, therefore, for the alleged wrong payments no liability could be fastened upon him and his contractual employment could not be discharged. However, the petitioner's representation has not been decided so far, therefore, the petitioner was constrained to file this writ petition in this Court on 28.08.2014 after waiting for some period for decision of his representation.

4. From the perusal of impugned order (Annex.7) dated 01.07.2014 (Page 42 of the paper book), it appears that the contractual term of such contractually employed persons was extended by the District Collector-cum-Coordinator of M-NREGA Scheme, Nagaur, only upto 30.06.2014. The discharge of the contractual employment, therefore, prima-facie does not appear to be stigmatic. However, since the petitioner has already filed a representation to the C.E.O., Zila Parishad, Nagaur, the said authority is expected to pass appropriate speaking order after giving an opportunity of hearing to the petitioner with regard to representation filed before it.

4. The present writ petition is, accordingly, disposed of with a liberty and direction to the petitioner to approach the said S.B. CIVIL WRIT PETITION No.6073/2014. Purkha Ram Chaba Vs. State of Rajasthan & Ors. Order dated 29/08/2014 3/3 respondent No.5- Chief Executive Officer, Nagaur, and pursue his representation and the said authority is expected in law to decide the representation of the petitioner after giving him an opportunity of being heard, within a period of one month from today. The petitioner in the first instance may appear before the said authority on 08.09.2014. No costs. A copy of this order be sent to the concerned

parties forthwith. (Dr. VINEET KOTHARI), J.

DJ/- S-9

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