

In The Court of Commissioner, Saran Division, Chapra
Aanganbari Appeal No. 49/2017

Rajia Khatoon

Vrs.

The State of Bihar & ors.

ORDER

The instant appeal petition is directed against the impugned order passed by D.M. Gopalganj as contained in memo No. 790/program. Dt. 18.10.2016 whereby and whereunder the appellant's engagement as contractual Lady supervisor has been terminated.

The brief facts of the case are that the present appellant Miss Rajia Khatoon D/o Md. Saheb Hussain Aansari, R/o vill-Sher, P.S.-Sidhwalia, Dist-Gopalganj was appointed as lady supervisor on 25.07.2012 purely on contract basis and her contract renewed till 22.07.2016 on yearly basis. After some time CDPO, Gopalganj Sadar sent a report vide letter No. 190 dt. 29.03.2016 to DPO Gopalganj alleging therein that the appellant's behaviour was indisciplined and she was not doing the work relating to office and Aanganbari centres. Thereafter, a show cause was asked by the DPO, Gopalganj vide letter No. 219 dt. 29.04.2016. As the appellant did not submit her show cause reply on time a reminder was also issued to her. Then the appellant filed her show cause reply denying all the charges. The CDPO, Gopalganj in her appraisal report of the appellant had given 18% rating. Thereafter, the learned D.M. Gopalganj after considering the report of concerned CDPO and DPO, Gopalganj finally held the appellant to be guilty for violating the terms and conditions of the contract and accordingly he terminated his service as lady supervisor.

Feeling aggrieved by the said termination order, the appellant has preferred the instant appeal petition before this Court.

Heard the learned counsel for the parties

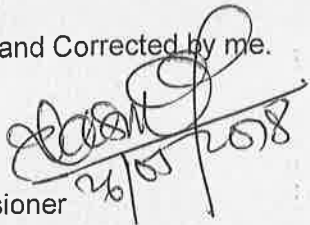
The learned counsel appearing on behalf of the appellant at the very outset of his argument assailing the impugned order of D.M. Gopalganj, submitted that the same is cryptic and against the material available on records. He further submitted that due to some reasons, the CDPO, Gopalganj Sadar was annoyed with the appellant and for that reason she submitted a false report to higher authorities against the appellant and it is surprising that the learned D.M. Gopalganj acting on the said report terminated the service of the appellant. The learned counsel further argued that although, the appellant filed her show cause reply the same was taken into consideration by D.M. He also submitted that in course of inquiry by the ADM, the allegation made by the CDPO against the appellant was not found correct even then the case of the appellant has been not considered appropriately. The learned counsel lastly prayed that as the impugned termination order, passed by D.M. Gopalganj, is legally not correct, the same is fit to be set aside and this appeal petition be allowed.

The learned Govt. pleader, appearing on behalf of the state, on the other hand opposed the arguments forwarded by the learned counsel for the appellant and submitted that as the allegation of indisciplined behaviour and poor performance in monitoring various scheme of Aanganbari Kendra leading to wording of only 18% rating to the appellant, she was not considered fit for extending her contract as per the provision contained in resolution of ICDS deptt. He further said that the learned D.M. Gopalganj rightly terminated the service of the appellant in view of serious allegations as such the said order is legally valid and fit to be upheld.

Considering the facts and circumstances of the case, material available on records, pleadings made by the learned counsel for the appellant as well as of Govt. pleader, it is seen that the appellant has been terminated from service mainly on the ground of her indisciplined behaviour and her failure to comply with the terms and conditions of contract of contractual engagement of Lady supervisor. The main contention of the appellant is that all the allegations against the appellant are false and the same has been levelled by the concerned CDPO due to her annoyance with the appellant. This contention of the appellant is not tenable in view of the material available on records. The learned D.M. in his order specifically mentioned that the said termination of service of the appellant has been passed for reported allegations of poor performance of the appellant and on the report of DPO, Gopalganj. I do not find any ambiguity in the said findings of learned D.M. Furthermore, the learned counsel for the appellant failed to point out any illegality in the said order. The learned D.M. has passed a detailed order, touching every aspects of the case properly. What is more, the learned D.M. also mentioned in his order that despite being given opportunity to the appellant to improve her working and to comply with the order/direction of the higher officers no required improvement reflected in the working of the appellant. This obviously shows that the conduct of the appellant was against the terms and conditions of contract of contractual engagement and the learned D.M. rightly held the appellant is not fit to be retained in service and he accordingly terminated her contract.

For the aforementioned reasons, the impugned order of D.M. Gopalganj is upheld and this appeal petition, completely devoid of any merit, is dismissed accordingly.

Dictated and Corrected by me.


26/05/2018
Commissioner
Saran Division, Chapra.


26/05/2018
Commissioner
Saran Division, Chapra.