## In The Court of Commissioner, Saran Division, Chapra

**Anganbari Appeal No. 211/2015**
**Nilam Kumari**
**Vrs.**
**D.M., Siwan**
**ORDER**

21.01.2016— The instant appeal petition is directed against the impugned order passed by D.M., Siwan as contained in Memo No. 707/program. dated 16.07.2015 whereby and whereunder the petitioner's engagement as Lady Supervisor on contractual post has been terminated.

The brief facts of the case are that the petitioner Nilam Kumari D/o Late Munshi Prasad Yadav R/o Village- Raghunathpur, P.S.- Jamo Bazar, Block- Barharia , Dist- Siwan was posted as a lady supervisor at the relevant point of time in the Goreyakothi block of siwan district. Further case is that the C.D.P.O, Goriyakothi submitted evaluation report regarding the working of the petitioner alongwith two other lady supervisors of the same block wherein the petitioner's was shown to have obtained 18.59 marks only and the said report was put up before DPO, Siwan who in turn sent the same before D.M. Siwan. However, the said evaluation report was challenged by the petitioner and after hearing the petitioner, the learned D.M. directed the DCLR, Maharajganj to hold enquiry in the matter, who submitted his report on 09.05.2015 recommending extension of petitioner's service as well as payment of her honorarium. Thereafter, the concerned CDPO was directed to place her opinion in the matter and the said opinion was submitted vide letter No. 230 dated 20.06.2015 wherein the earlier Evaluation report was confirmed. After this, the learned D.M. after examining the said two report submitted by the CDPO and DCLR, finally came to the conclusion that owing to her poor performance, the concerned petitioner is not entitled for further extension of service and later on vide order contained in Memo No. 707 dated 16.07.2015, contract of this petitioner was terminated.

Feeling aggrieved by the aforesaid order regarding denial of extension by the D.M., Siwan, this petitioner has preferred this appeal petition before this court.

Heard the parties.

The learned counsel appearing on behalf of the petitioner submitted in the very beginning of his argument that the petitioner's service has been extended in the past but when she requested for the payment of her honorarium from CDPO, she became annoyed and sent the Evaluation report to higher authorities, showing her poor scoring. He further argued that against that Evaluation report, the petitioner filed an objection before D.M. with a request to get the matter inquired by any senior officer and accordingly, the learned D.M. ordered for an inquiry to be conducted by the DCLR, Mahrajganj and the DCLR after making a through inquiry submitted his report stating therein that the petitioner could have got 50 marks. The learned counsel

further submitted that as there was two reports, one by CDPO, and another by DCLR and both reports contained contradiction regarding the evaluation of petitioner's work as Lady Supervisor, the learned D.M., should have considered the said report independently before arriving at his final findings of fact. But instead of doing so, he placed heavy reliance on the report of a junior officer, the CDPO who had submitted the report with a malafide intention and ignored the report of a senior officer, DCLR, which is highly improper legally. The learned counsel further argued that the final order relating to non-extension of service of the petitioner issued at the level of the learned D.M. did not disclose the reasons for non-consideration of the report of DCLR, Mahrajganj which clearly shows that in the instant case neither rules have been followed nor requirement of natural justice has been fulfilled. He lastly submitted that the impugned order is fit to be set aside.

The learned Govt. pleader appearing on behalf of the D.M., Siwan while opposing the submissions forwarded by the learned counsel for the petitioner, submitted that the report sent by D.M. which is available on record clearly shows that the action against the petitioner has been taken on the report of CDPO who is the authority to look in to the working of Lady Supervisor. He further stated that the action against the petitioner is appropriate as she has got poor score for her assigned work.

Considering the facts and circumstances of the case, material available on records, pleadings forwarded by the learned counsel for the parties and on perusal of the impugned order, it is seen that impugned order has been passed by the learned D.M. after examining the whole matter. It has been mentioned by D.M. in his order sheet as follows.

" 1. CDPO का रिर्पोट मान्य है,

2. DCLR का रिर्पोट ब्यान आधारित है जो मूल्यांकन प्रपत्र भरने के तीन महिने के बाद लिया गया है। इसे अस्वीकृत किया जाता है।

3. CDPO के मूल्यांकन एवं मंतव्य के आलोक में तीनों L.S. का renewal नही होगा उन्हें काम करने से रोके"।

Thus I do not find any reason to interfere in the said order accordingly the same is upheld.

In the result this appeal petition is dismissed.

Dictated and Corrected by me.

21-2-16

Commissioner,
Saran Division, Chapra

21-2-16

Commissioner,
Saran Division, Chapra