



2026:CGHC:20037-DB

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 351 of 2026**

**1** - District and Session Judge, Bilaspur Chhattisgarh, District and Session Court, Bilaspur, Chhattisgarh.

**2** - District and Session Court, Bilaspur, Chhattisgarh, Through District and Session Judge, Civil Court, Bilaspur, Chhattisgarh 492007, District-Raipur, Chhattisgarh.

**... Appellants****versus**

**1** - Gaind Ram Yadav S/o Sakharam Yadav, aged about 40 years R/o Village- Pondi, Police Station- Ratanpur, Block- Kota, Bilaspur, Chhattisgarh.

**2** - State of Chhattisgarh Through Secretary, Law and Legislative Department, Mantralaya, Raipur, Chhattisgarh.

**... Respondents**

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For Appellants : Mr. Dhiraj Kumar Wankhede, Advocate  
For Respondent No.1 : Mr. Rajeev Bharat, Advocate  
For Respondent No.2/State : Mr. S.S. Baghel, Govt. Advocate  
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**Hon'ble Mr. Ramesh Sinha, Chief Justice**  
**Hon'ble Mr. Ravindra Kumar Agrawal, Judge**

**Order on Board****Per Ramesh Sinha, Chief Justice****30.04.2026**

1. Heard Mr. Dhiraj Kumar Wankhede, learned counsel for the appellants. Also heard Mr. Rajeev Bharat, learned counsel, appearing for respondent No.1 and Mr. S.S. Baghel, learned Government Advocate, appearing for the State / respondent No.2.



2. This writ appeal is presented against the impugned order dated 10.02.2026 passed by the learned Single Judge in WPS No.6829 of 2019 (***Gaind Ram Yadav vs. State of Chhattisgarh & others***), whereby, the writ petition filed by writ petitioner / respondent No.1 herein has been allowed to the extent indicated therein by the learned Single Judge setting aside the order impugned dated 26.06.2019 (Annexure P-1) passed by respondent No.2 and directing to reinstate the petitioner in service with all service benefits except back-wages. It has been further observed that the question of back-wages shall be decided by the competent authority in accordance with law based on the petitioner's submitting an application as to whether during the period of termination, he was gainfully employed or not, however, liberty was reserved in favour of respondents No.2 & 3 to proceed in accordance with the rules, if so advised.
3. The brief facts necessary for disposal of this appeal are that the writ petitioner was appointed as Watchman on 25.10.2016 in Unreserved (Handicap) category on the recommendation of Selection Committee as an employee drawing a salary from the contingency fund and thereafter, on 29.04.2019, a show-cause notice was issued to him and one another Watchman in respect of theft of Reverse Osmosis (RO) Filter of the Water Cooler from the ground floor of the New Court Premises of District Court, Bilaspur. The petitioner filed reply to the show-cause notice on 04.05.2019, stating that he had no knowledge about the theft. His duty hours



were from 5:30 PM to 8:00 AM; on 27.04.2019, after completing his duty at 8:00 AM and returning to work at 5:30 PM, it was brought to his knowledge that the R.O. filter was missing, he started searching for the same and ultimately, it was found where furniture work was ongoing in the building. Thereafter, on 04.05.2019, a fresh show-cause notice was issued to the petitioner seeking a reply within three days as to why his services should not be terminated for removing the R.O. water purifier from its designated place without informing the Zila Nazir and without his permission, which amounts to intentional theft. On 06.05.2019, the petitioner filed his reply narrating the entire facts. Subsequently, by the order dated 26.06.2019, the District and Sessions Judge, Bilaspur (C.G.), terminated the services of the petitioner on the allegation that there was a suspicion of intentional theft by the petitioner. The termination order was put to challenge by the petitioner before this Court by filing a writ petitioner bearing WPS No.6829 of 2019. The writ petition was allowed to the extent indicated therein by the learned Single Judge setting aside the order impugned dated 26.06.2019 (Annexure P-1) passed by respondent No.2 and directing to reinstate the petitioner in service with all service benefits except back-wages. It has been further observed that the question of back-wages shall be decided by the competent authority in accordance with law based on the petitioner's submitting an application as to whether during the period of termination, he was



gainfully employed or not, however, liberty was reserved in favour of respondents No.2 & 3 to proceed in accordance with the rules, if so advised. Being aggrieved by the same, the instant appeal has been filed by the appellants, who were respondent Nos. 2 & 3 in the said writ petition.

4. Learned counsel for the appellants vehemently argued that the learned Single Judge erred in interpreting Rule 15 of the Chhattisgarh State District and Sessions Judges Establishment Contingency Paid Employees Recruitment and Conditions of Service Rules, 1980 (hereinafter referred as 'the Rules of 1980') and misapplied it to the facts of the case. He further submitted that the appellants had followed the prescribed procedure by issuing two show-cause notices to the petitioner on 29/04/2019 and 04/05/2019, and duly considered the petitioner's explanations before passing the termination order on 26/06/2019. He also submitted that Rule 15 on the Rules of 1980 only requires the employee to be informed of the allegations and given an opportunity to explain, which was fully complied with in this case. Therefore, the finding of the learned Single Judge that the appellants' actions violated Rule 15 is legally unsustainable, as the mandatory procedure was met in both letter and spirit. Furthermore, the respondent's failure to maintain good conduct, explicitly stipulated in the appointment order, justified the termination under the agreed-upon terms, particularly given the petitioner's repeated negligence and misconduct regarding



valuable departmental property. He contended that the learned Single Judge's reliance on the *Krishna Pal v. District & Sessions Judge Morena* (WP No. 17745/2016, decided on 21.02.2017) and the characterization of the termination as "stigmatic" is misplaced. The respondent was a temporary, contingency-paid employee, and the nature of his employment did not warrant the application of the same stringent standards as those for permanent government employees. The termination was based on the respondent's unsuitability for the sensitive position of a Watchman due to his persistent negligence, which undermined the trust required for such a role.

5. Per contra, learned counsel appearing for writ petitioner / respondent No.1 herein submitted that the impugned judgment passed by the learned Single Judge is just, proper, and in accordance with law, and does not warrant any interference.
6. We have heard learned counsel for the parties and perused the impugned order and other documents appended with writ appeal.
7. The appellants, in their submission, have claimed that they fully complied with Rule 15 of the Rules of 1980, asserting that the respondent was informed of the allegations against him, was given an opportunity to explain, and that the matter was duly considered before the termination order was passed. However, the critical issue is not simply whether the procedural requirements of Rule 15 were met in form, but whether they were



met in substance, and whether the actions taken by the appellants were fair, reasonable, and proportionate given the circumstances of the respondent's employment.

8. The appellants argue that the respondent, as a temporary employee, was subject to the terms and conditions of his appointment, which explicitly required good conduct. The repeated negligence and theft incidents clearly breached this condition, leading to the termination of his services. While the appellants contend that the termination was based on valid grounds, the case law relied upon by the learned Single Judge i.e. ***Krishna Pal's*** case and established principles of service jurisprudence suggest that even in the case of temporary employees, actions that could be deemed "stigmatic" require due process of law.
  
9. The learned Single Judge's reliance on the principle of "natural justice" and the distinction between contingency-paid employees and permanent employees is consistent with judicial precedent, and his finding that the termination amounted to a stigmatic dismissal was correct in the context of the respondent's employment status. The requirement for a full-fledged inquiry and the higher standards of procedural fairness may apply, given the nature of the employee's role as a Watchman entrusted with government property, which goes beyond merely issuing show-cause notices.



10. Therefore, in light of the facts, the law, and judicial precedents, the appeal is **dismissed**. The decision of the learned Single Judge stands affirmed, as the termination order issued by the appellants was found to be in contravention of the principles of natural justice, particularly in light of the absence of a full inquiry and the failure to provide the respondent with a fair opportunity to defend himself in a manner appropriate to his employment status.

Sd/-  
**(Ravindra Kumar Agrawal)**  
Judge

Sd/-  
**(Ramesh Sinha)**  
Chief Justice

Chandra