

W.P. No.5678/2016
(Shyam Sunder Vyas Vs. State of M.P. & Others)
02/09/2016

Shri M.P.S. Raghuvarshi with Shri Himanshu Sharma, Advocates for the petitioner.

Mrs. Nidhi Patenkar, Government Advocate for the respondents/State.

Petitioner; a Gram Rojgar Sahayak, has approached this Court with a grievance that as per the policy of State Government, the appointing authority of the petitioner is Gram Panchayat, however, the CEO, Jila Panchayat, has directed the CEO, Janpad Panchayat, to take action against the petitioner and terminate his services vide order dated 28/7/2016, Annexure P/1. In turn, the CEO, Janpad Panchayat, according to the petitioner, has written to the Secretary, Gram Panchayat, on 04/08/2016 to the same effect. It is submitted that such command issued by the respondents No.2 and 3 is without authority and jurisdiction.

Admittedly, no order has been passed against the petitioner till date, therefore, the objection raised by learned Government Advocate that at this juncture the writ petition is premature has substantial force. Hence, no interference is warranted under Article 226 of the Constitution of India. However, it needs no mention that the Gram Panchayat being the appointing authority shall apply its own mind on the facts and circumstances of the case and take an independent decision without being influenced by any order or directions etc.

With the aforesaid, writ petition stands disposed of.

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(Rohit Arya)
Judge