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WA-3111-2024

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&amp;

HON'BLE SHRI JUSTICE GAJENDRA SINGH

ON THE 8<sup>th</sup> OF JANUARY, 2025WRIT APPEAL No. 3111 of 2024*THE STATE OF MADHYA PRADESH AND OTHERS**Versus**SMT. HEMLATA TALA*

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Appearance:

*Shri Bhuwan Gautam - Deputy Advocate General for the appellant  
/State..*

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ORDER

*Per. Justice Vivek Rusia*

The appellants/State have filed this appeal challenging the order dated 17.08.2024, whereby the writ Court has allowed the Writ Petition No. 26692 of 2018 by the quashing order of termination as well as the order of dismissal of appeal.

2. At the very outset, Deputy Advocate General submits that appellants are challenging the order only in respect of payment of pay of 50% backwages. So far as the issue of termination is concerned, liberty has already been granted to proceed against the respondent, afresh, in accordance with the law.

3. We have perused the impugned order of termination as well as the order passed by the appellate authority.



4. For the singular negligence in entire service career of the writ petitioner the harsh punishment of termination from service was imposed by the Collector that too, without giving any show cause notice and without conducting any inquiry, therefore the Writ Court rightly found that the order is stigmatic and punishment of termination has been imposed, without giving any opportunity of hearing, hence unsustainable.

5. Learned Deputy Advocate General submits that respondent has not established that she was not gainfully employed after the termination and during pendency of the writ petition, therefore, Court has wrongly directed for payment of 50% of backwages.

6. This Court is of the considered opinion that when the Writ Court has found that the order of termination is illegal and the petitioner is liable to be taken back hence backwages @ 50% has rightly been directed to be paid to her. So far as gainfully employed is concerned, naturally after termination for the survival of livelihood any terminated employee would earn for himself/herself and for his/her family members and that cannot be the basis for denial for backwages, specially when the order of termination was found to be illegal. Hence, we are not inclined to interfere and the appeal stands dismissed in limine.

No order as to costs.

(VIVEK RUSIA)  
JUDGE

(GAJENDRA SINGH)  
JUDGE