

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1064 of 2015

1. Dayaram Lahre S/o Tegmurem Lahre Aged About 54 Years R/o Vilallage Bataupali Post Chantipali, Tahsil Sarangarh, District Raigarh Chhattisgarh

---- Petitioner

Versus

1. The Chief Executive Officer Zila Panchayat Raigarh, District Raigarh Chhattisgarh
2. N.M. Kshirasagar, At Chief Executive Officer, Zila Panchayat Raigarh District Raigarh Chhattisgarh

---- Respondent

For Petitioner	Shri R.S. Baghel, Advocate
For Respondent No.1	Shri Rahul Tamaskar, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

10/09/2015

Heard learned counsel for the parties.

1. Petitioner has impugned the order passed by the Chief Executive Officer, Zila Panchayat, Raigarh, whereby the said Officer has exercised his powers under Rule 5 of the Chhattisgarh Panchayat Service (Discipline and Appeal) Rules, 1999 (for short 'the Rules , 1999') to impose punishment of dismissal from service.

2. Learned counsel for the parties would not dispute that the petitioner being a Panchayat Secretary, a major penalty in terms of Rule 5 of the Rules, 1999 can only be imposed on the recommendations of the General Administration Committee of the concerned Zila Panchayat. It is also not disputed that such resolution/recommendation has not been passed by the Zila Panchayat, Raigarh.
3. Apart from the aforesaid, the petitioner is also alleging that sub-rule (9) & (10) of Rule 7 of the Rules, 1999 have not been followed.
4. In the matter of **Prakash Chand Soni v. State of Chhattisgarh & Others**¹, this Court has held that an enquiry under Rule 7 of the Rules, 1999 is akin to a regular enquiry for which the procedure prescribed under Rule 14 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966.
5. For the foregoing, the impugned order is quashed and the matter is remitted back to the Zila Panchayat for initiating appropriate proceeding and passing fresh order in the matter, in accordance with law and on its own merits. Let the needful be done within six months from today.
6. Accordingly, the writ petition is allowed to the extent indicated above. No order as to costs.

Sd/-

Judge

Prashant Kumar Mishra

Gowri

¹ WPS No.1846 of 2011 (decided on 15-7-2015)