

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6709 of 2014

1. Umasharan S/O Shri Shivnandan Aged About 26 years Working As Panchayat Assistant-Cum-Data Entry Operator, R/O Village And Post Kandel, Police Station - Dhamtari, Distt. Dhamtari C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Panchayat And Rural Development Department, Mantralaya New Raipur, Police Station Rakhi, Distt. Raipur C.G.
2. The Collector Dhamtari, Distt. Dhamtari C.G.
3. The Chief Executive Officer Zila Panchayat, Dhamtari, Distt. Dhamtari C.G.
4. The Chief Executive Officer Janpad Panchayat, Dhamtari, Distt. Dhamtari C.G.
5. Gram Panchayat Kandel Through The Secretary, Janpad Panchayat, Dhamtari, Distt. Dhamtari C.G.
6. Mohit Ram Sahu S/o Siyaram Sahu Aged About 25 Years R/O Village And Post Kandel, Police Station Rudri, Distt. Dhamtari C.G.

---- Respondent

For Petitioner	Shri D.N. Prajapati, Advocate.
For Respondent/State	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

07/05/2015

Heard learned counsel for the parties.

1. Petitioner has assailed the legality and validity of the order passed by the Gram Panchayat, Kandel, Block & District Dhamtari on 11-12-2014 cancelling the petitioner's appointment on the post of Panchayat Assistant-cum-Data Entry Operator.
2. The subject appointment is governed under the guidelines issued by the State Government wherein clause 15 provides for an appeal under the provisions of the Chhattisgarh Panchayat Raj Adhiniyam, 1993. Thus, the petitioner has an efficacious alternative remedy to challenge the impugned order.
3. Accordingly, the writ petition is dismissed. However, liberty is granted in favour of the petitioner to avail the alternative remedy within a period of one month from today. If the petitioner prefers the appeal within the stipulated period, the appellate authority shall consider and decide the same, in accordance with law and on its own merits, as early as possible preferably within a period of three months from the date of submission of appeal by the petitioner.
4. Interim order passed earlier by this Court shall continue during pendency of the petitioner's appeal before the appellate authority.
5. It is made clear that this Court has not expressed any opinion on the merits of the case and the appellate authority shall decide the appeal, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

J u d g e