

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 618 of 2015**

Smt. Kunti Jaiswal wife of Shyam Sunder Jaiswal, aged about 45 years, Shikshak Panchayat, Village Chorbhatti, Block Kartala, P.S Kartala, District Korba, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh, Through Secretary, Panchayat and Social Welfare, PS Rakhi, Tahsil Aarang, Naya Raipur, District Raipur, Chhattisgarh.
2. Collector, Korba, Distirct Korba, Chhattisgarh.
3. Chief Executive Officer, Zila Panchayat, Korba PS Korba, District Korba, Chhattisgarh.
4. Block Education Officer, Kartala, PS Kartala, District Korba, Chhattisgarh.
5. Head Master, Government Middle School, Chorbhatti, Block Kartala, PS Kartala, District Korba, Chhattisgarh.

---- Respondents

For Appellant	:	Shri C.J.K.Rao, Advocate
For Respondent/State	:	Shri UNS Deo, Government Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Judgment on Board**Per Navin Sinha, Chief Justice****09/12/2015**

1. The present appeal arises from order dated 5.10.2015 dismissing Writ Petition (S) No. 1809 of 2015. The Learned Single Judge held that order of the Collector, Korba dated 2.3.2015 exercising appellate power to set aside the termination dated 20.8.2014 was *void ab-initio* as the Collector lacked jurisdiction to hear the appeal. The subsequent approval of the General Administration Committee on 22.5.2015 to the termination cured the procedural irregularity in termination.

2. Learned Counsel for the Appellant submits that the order dated 22.5.2015 is appealable under Section 91 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (hereinafter called 'the Act') read with Rule 4 of the Chhattisgarh Panchayat (Appeal and Revision) Rules, 1995 (hereinafter called 'the Rules'). The order dated 22.5.2015 having been passed during the pendency of the writ petition, the Learned Single Judge ought to have granted liberty to challenge it before the appellate authority, the Commissioner.

3. Learned Counsel for the State has supported the order under appeal to contend that in absence of any challenge to the order dated 22.5.2015, the impugned order called for no interference.

4. Having considered the submissions on behalf of the parties, we are satisfied to hold that the order dated 22.5.2015 confirming the termination by the General Administration Committee, passed during the pendency of the writ petition, had not been assailed.

5. Be that as it may, if the order is appealable, we consider it proper to direct that if the Appellant files an appeal within 30 days from today accompanied by an appropriate application under Rule 4(2), the appellate authority shall consider the same prudently and decide the appeal on merits expeditiously without any unnecessary delay and dispose it after hearing the Appellant by a reasoned and speaking order.

6. With the aforesaid modification of the order under appeal, the appeal is allowed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE