

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Appeal No. 527 of 2015**

Fekuram Sahu S/o Shri Bodhram Sahu, aged about 46 years, Occupation Service Presently Posted as Panchayat Secretary at Gram Panchayat Misda, Janpad Panchayat Nawagarh, District Janjgir-Champa (Chhattisgarh)

**---- Appellant****Versus**

1. State of Chhattisgarh through the Secretary Panchayat & Rural Development Department, Mahanadi Bhawan, Raipur, Chhattisgarh.
2. The Chief Executive Officer, District Panchayat Janjgir-Champa Chhattisgarh
3. The Chief Executive Officer, Janpad Panchayat Nawagarh, District Janjgir-Champa, Chhattisgarh
4. The Deputy Director, Panchayat, District Janjgir-Champa, Chhattisgarh
5. Sarpanch, Gram Panchayat, Misda, Janpad Panchayat Nawagarh, District Janjgir Champa, Chhattisgarh..

**---- Respondents**


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| For Appellant         | : | Shri Ashwani Shukla, Advocate.     |
| For Respondents/State | : | Shri UNS Deo, Government Advocate. |

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

**Judgment on Board****Per Navin Sinha, Chief Justice****02/11/2015**

1. The present appeal arises from order dated 7.10.2015 dismissing Writ Petition (S) No. 3613 of 2015 declining to interfere with the order of suspension opining that it was appealable under Rule 15 of the Chhattisgarh Panchayat (Discipline & Appeal) Rules, 1999 (hereinafter called 'the Rules').
2. Learned Counsel for the Appellant submits that he is a Panchayat Secretary. Relying on (2006) II CGLJ 406 (Ram Narayan Sahu v. State of Chhattisgarh) he submits that it was only the Joint Director/Deputy Director, Panchayat & Social Welfare Department who were competent to

suspend and issue charge-sheet under Section 69(1) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993. The Learned Single Judge therefore erred in relegating the Appellant to the remedy of appeal as the order of suspension and charge-sheet both were completely without jurisdiction. The Chief Executive Officer was not competent to issue them.

3. Learned Counsel for the State submits that under the Rules, the Chief Executive Officer was the disciplinary authority over the Panchayat Secretary. He is superior in rank to the Appellant. Therefore, it cannot be said prima facie that the order is completely without jurisdiction. The allegations against the Appellant are of financial irregularities. Rest is a matter for departmental enquiry.

4. We have heard Learned Counsel for the parties and are satisfied that the order of the Learned Single Judge calls for no interference including the observation with regard to alternate remedy available to the Appellant under Rule 15 regarding order of suspension.

5. The writ appeal is dismissed with the aforesaid observation.

Sd/-  
(Navin Sinha)  
**CHIEF JUSTICE**

Sd/-  
(P. Sam Koshy)  
**JUDGE**