

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 942 of 2015

Paritosh Bain S/o Shri Devendra Bain, Aged about 65 years, R/o
Village Radhakrishna Nagar, Post Maharajganj P.S. & District Balrampur
Ramanujganj, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through the Secretary, Panchayat and Rural Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh
2. The Collector, Balrampur, District Balrampur Ramanaujganj Chhattisgarh
3. The Chief Executive Officer, Jila Panchayat Ambikapur, District Surguja, Chhattisgarh
4. The Chief Executive Officer, Janpad Panchayat Balrampur, District Balrampur – Ramanujganj, Chhattisgarh
5. Dilip Sardar @ Narayan Sardar, Aged About 45 Years Working on the Post of Panchayat Secretary, Village Panchayat Maharajganj, Post Maharajganj, P.S. Balrampur, District Balrampur Ramanujganj, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Neha Verma, Advocate
For respondents/State	:	Shri Shashank Thakur, Govt. Advocate
For Respondent No.4	:	Shri Keshav Dewangan, Advocate
For Respondent No.5	:	Smt. Hamida Siddiqui, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

17/07/2015

Grievance of the petitioner in the instant writ petition is that the appointment of respondent No.5 in the post of Panchayat Secretary, Village Panchayat Maharajganj is illegal as the respondent No.5 is not competent to hold the said post on account of the fact that he has been convicted under Section 450 and 376 of IPC and sentenced to undergo RI for four year with fine of Rs.1,000 u/s 450 IPC and seven years with fine of Rs.5,000 u/s 376 of IPC.

A perusal of the record would show that prima facie, the petitioner does not have any locus standi to file the present writ petition. The petitioner has failed to show any of his fundamental rights being influenced for which the writ petition has been filed. The Present writ petition, on the

face of the record, appears to be a writ of quo warranto. The only ground which the petitioner has raised is that the respondents 3 & 4 are not taking any action against respondent No.5 in spite of having full knowledge of the fact that respondent No.5 is no longer eligible to hold the office of Panchayat Secretary.

Counsel appearing for respondent No.4 makes a submission that on verification, it is found that the two persons alleged by the petitioners namely Dilip Sardar and Narayan Sardar are different persons and that it is Dilip Sardar who has been convicted u/s 376 and 450 of IPC and it is Narayan Sardar who has been given employment.

The record reflects that on an earlier occasion also the petitioner had preferred a complaint case under Section 200 Cr.P.C. before the J.M.F.C. Ramanujganj which was dismissed and which has not been agitated at all and the same has attained finality.

Considering the total facts and circumstances of the case, this Court is of the opinion that the dispute raised by the petitioner has to be looked into by the concerned authority i.e. respondents 3 & 4 for which the petitioner would be at liberty to raise his grievance if any to the competent authorities if so advised. Even otherwise, it is purely a dispute which is in the arena of the employer to take appropriate steps in the given facts of the case.

Accordingly, the instant writ petition at this juncture is being disposed of with a direction to the petitioner that if he so chooses, he may make an appropriate complaint/representation to the employer who in turn shall decide the same strictly in accordance with law.

Needless to mention that this Court has not expressed any opinion on the merits of the case and the authority concerned shall decide the representation of the petitioner strictly in accordance with law after due verifying the facts if at all raised by the petitioner.

**Sd/-
(P Sam Koshy)
Judge**