

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1137 of 2014**

- Smt. Subratan Bi Jauje Mohammad Ayub Khan, aged about 49 years, Caste Musalman, resident of Village Rajanawagaon, PS Bhoramdev, Civil and Revenue District Kabirdham (CG)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Department of Panchayat & Social Welfare, Mantralaya, Naya Raipur, Tehsil & District Raipur (CG)
2. The Collector Kabirdham , District Kabirdham (C.G.)
3. The Sub Divisional Officer, Revenue, Bodla, Distt. Kabirdham (C.G.)
4. The Chief Executive Officer Janpad Panchayat, Bodla, Distt. Kabirdham (C.G.)

---- Respondents

For Petitioner : Shri Shivendu Pandya, Advocate.
 For Respondents 1 to 3: Shri Sunil Pillai, Panel Lawyer.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****09/03/2015**

1. This writ petition is directed against the order dated 12.6.2014 passed by the Commissioner, Durg Division dismissing the petitioner's revision application, which in turn was preferred against the order passed by the Collector, Kabirdham on 16.12.2013 dismissing the petitioner's appeal against the order dated 11.12.2013 whereby the petitioner, Sarpanch of Gram Panchayat Rajanawagaon, Block Bodla was placed under suspension in exercise of powers under Section 39(2) of the CG Panchayat Raj

Adhiniyam, 1993 (henceforth 'the Act').

2. Admittedly, charge sheet has been filed against the petitioner in the Court of CJM, Kabirdham under Sections 409 & 420/34 of the IPC pertaining to Crime No.19/2012, PS Bhoramdev Chaura and the Court of CJM has framed the charges against the petitioner on 7.10.2013.
3. The order of suspension under Section 39(2) of the Act is passed against the office bearer of Panchayat when the charges for the offences specified under Section 39(1)(a) of the Act have been framed by the Competent Court or a show cause notice along with charge sheet for his removal from office under Section 40 of the Act is served as mentioned in clause-(b). Under Section 39(2) of the Act, an order of suspension is required to be reported to the State Government within 10 days and thereafter it is required to be confirmed by the State Government within 90 days.
4. In this petition, the petitioner has contended that the State Government has not confirmed the order within 90 days, therefore, it is deemed to have been vacated.
5. Since the petitioner has already ceased to remain Sarpanch of the concerned Gram Panchayat because of fresh elections which have taken place in January-February, 2015, the issue raised before this Court has been rendered academic. The issue is left open to be discussed and decided in appropriate case.
6. The writ petition is accordingly disposed of.

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