

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 453 of 2016

1. Smt. Kamala Bai Ratre W/o Shri Hira Das Ratre, Aged About 45 Years Up-Srapanch Of Gram Panchayat Bakarkuda, R/o. Village Bakarkuda, Post Tikari, P.S. & Tehsil Masturi, Revenue & Civil District Bilaspur (Chhattisgarh)
2. Kishore Ratre, S/o. Sukh Sagar Ratre, Aged About 36 Years Panch Of Gram Panchayat- Bakarkuda, R/o. Village Bakarkuda, Post Tikari, P.S. & Tehsil Masturi, Revenue & Civil District Bilaspur (Chhattisgarh)
3. Smt. Sabita Bai, W/o. Shri Kapoor Chand, Aged About 40 Years Panch Of Gram Panchayat- Bakarkuda, R/o. Village Bakarkuda, Post- Tikari, P.S. & Tehsil Masturi, Revenue & Civil District Bilaspur (Chhattisgarh)
4. Smt. Soni Bai Barman, W/o. Shri Shashi Kumar Barman, Aged About 27 Years Panch Of Gram Panchayat- Bakarkuda, R/o Village - Bakarkuda, Post- Tikari, P.S. & Tehsil Masturi, Revenue & Civil District Bilaspur (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat & Rural Administrative Department, Mahanadi Bhawan, Naya Raipur, Revenue & Civil District Raipur (Chhattisgarh)
2. Collector Bilaspur, Revenue & Civil District Bilaspur (Chhattisgarh)
3. Sub Divisional Officer (Revenue), Masturi, Revenue & Civil District Bilaspur (Chhattisgarh)
4. Chief Executive Officer, Zila Panchayat Bilaspur, Revenue & Civil District Bilaspur (Chhattisgarh)
5. Chief Executive Officer, Janpad Panchayat Masturi, Revenue & Civil District Bilaspur (Chhattisgarh)
6. Assistant Internal Account Audit And Taxation Officer, Janpad Panchayat Masturi, Revenue & Civil District Bilaspur (Chhattisgarh)
7. Smt. Kajal Bhaskar, W/o. Shri Manharan Bhaskar, Aged About 25 Years Presently Sarpanch Of Gram Panchayat - Bakarkunda, R/o. Village Bakarkuda, Post- Tikari, P.S. & Tahsil Masturi, Revenue & Civil District Bilaspur (Chhattisgarh)
8. Balram Tandon, S/o Pukhram Tandan, Aged About 46 Years Presently Secretary Of Gram Panchayat- Bakarkuda, R/o. Village Daganiya, Post Malhar, P.S. & Tahsil Masturi, Revenue & Civil District Bilaspur (Chhattisgarh)
9. Kumari Bhag Bai Joshi, W/o. Bulthu Ram Joshi, Aged About 30 Years Presently

Rojgar Sahayika Of Gram Panchayat- Bakarkuda, R/o. Village Daganiya, Post Malhar, P.S. & Tehsil Masturi, Revenue & Civil District Bilaspur (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri Surfaraj Khan, Advocate
For Respondents/State	:	Shri B. Gopkumar, Dy.A.G., on advance copy.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/02/2016

Heard.

1. The petitioners, complainants, have filed this petition seeking a direction to the authority to conclude inquiry within a stipulated period as prescribed under Section 40 of the Panchayat Raj Adhiniyam, 1993 against respondents No. 7 to 9.
2. Learned counsel for the petitioners submits that though proceedings under Section 40 of the Panchayat Raj Adhiniyam have been initiated against respondents No. 7 to 9 for their removal, the proceedings have remained pending and it is apprehended that because of intervening direction of the Collector in the matter of inquiry, the inquiry may not be concluded expeditiously.
3. The order sheet placed on record by the petitioners themselves shows that the proceedings are going on and case was listed before SDO on 7.1.2016, whereafter, the next date was fixed on 21.1.2016 for filing of reply. That shows that proceedings are going on. Considering that proceedings have been initiated in the month of November, 2015, there is no need for this Court to issue any direction for conclusion of the proceedings within any particular time frame. However, spirit of the statute is required to be kept in the mind of the competent authority to ensure that proceedings are concluded as early as possible.
4. With the aforesaid observations, the petition is finally disposed off.

Sd/--
(Manindra Mohan Shrivastava)
Judge