

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3304 of 2016

Bharat Kumar Lahare S/o Late Kolambar Das, Aged About 40 Years Sub Engineer, Rural Engineering Services, Posted Presently At Block Chhuriya, District Rajnandgaon, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: Secretary, Rural Engineering Services Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
2. Collector, Bilaspur, (Chhattisgarh)
3. Chief Executive Officer, Zila Panchayat, Bilaspur, (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat, Takhatpur, District Bilaspur, (Chhattisgarh)
5. Sub Divisional Officer, Rural Engineering Services, Takhatpur, District Bilaspur, (Chhattisgarh)
6. Nayab Tahsildar, Up Tahsil Sakari, District Bilaspur, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri B.P. Banjare, Advocate
For State	:	Shri Sangharsh Pandey, Dy. Govt. Advocate

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

Order On Board

01/08/2016

1. The challenge to recovery order dated 13.5.2016 is based on the submission that the petitioner is not responsible and wrongly, the liability has been saddled and recovery ordered.
2. During the course of arguments, however, it transpired that the petitioner has statutory remedy of filing appeal under the provisions of Chhattisgarh

Panchayats (Appeal & Revision) Rules, 1995. It is well established principle that where there exists an alternative remedy, the writ Court would ordinarily not interfere with the matters unless there exists strong reason to do so.

3. Plethora of decisions of the Supreme Court and this Court have settled that in cases where the order is challenged on the ground of absence of jurisdiction, utter violation of principles of natural justice or tainted with malafide, the existence of alternative remedy may not come in the way of the Court in entertaining petitions on merits.
4. None of the aforesaid grounds has been raised in the petition. Therefore, in the absence of there being any other strong reason for this Court to entertain the petition, without insisting on exhaustion of alternative remedy, I am not inclined to entertain the petition only on the ground of existence of alternative remedy.
5. Therefore, the petition deserves to be and is accordingly dismissed with liberty to take recourse to statutory remedy of appeal against the impugned order.

Sd/-
(Manindra Mohan Shrivastava)
Judge