

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.2350 of 2015**

Onkar Prasad Sahu (Dau), S/o Shant Kumar Sahu, aged about 41 years, R/o village Karhibhadar, Tahsil and District Balod (C.G.)

---- **Petitioner**

Versus

1. State of Chhattisgarh, through the Secretary, Panchayat and Social Welfare Department, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur (C.G.)
2. Collector, Balod, District Balod (C.G.)
3. Chief Executive Officer, Janpad Panchayat Balod, District Blod (C.G.)
4. Sub Divisional Officer (R) / Prescribed Authority, Balod, District Balod (C.G.)

---- **Respondents**

For Petitioner	:	Shri B.P.Singh, Advocate.
For Respondents/State	:	Shri Avinash Singh, P.L.
For Respondent No.3	:	Shri Raj Kumar Gupta, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

12/07/2016

In the Orders dated 14.12.2015 and 16.12.2015 under challenge, the Prescribed Authority, i.e., Sub-Divisional Officer (Revenue) has stated that the petitioner has already been served with memo of charges along with show-cause notice for his removal under Section Chhattisgarh Panchayati Raj Adhiniyam, 1993 (hereinafter referred to as 'the Act of 1993').

2. Learned counsel for the petitioner would dispute this fact mentioned in the impugned orders.

3. The petitioner has alternative remedy of preferring an appeal under Section 91 of the Act of 1993. Bypassing the alternative remedy is permissible when the order is without jurisdiction or patently illegal on the face of the order or it has been passed

without adhering to the prerequisites of the exercise of power. However, in view of mention in the impugned orders that show-cause notice under Section 40 of the Act of 1993 has already been issued to the petitioner along with charges, the present is not a fit case for allowing the petitioner to approach this Court directly without resorting to the alternative remedy.

4. For the foregoing, the writ petition is disposed of with observation that in the event the petitioner prefers an appeal to challenge the impugned orders within a period of 15 days from today, the Appellate Authority shall consider and decide the appeal on its own merits at the earliest, preferably within a period of eight weeks from the date of submission of appeal.

Sd/-
Judge
(**Prashant Kumar Mishra**)