

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2149 of 2016

Smt. Jageshwari Banjare W/o Shri Bhimsen Banjare Aged About 26 Years
R/o Village Andola, P.O. Dahidha, P.S. Kosir, Tah, Sarangarh, District
Raigarh Chhattigarh Pin 496445

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And Gram Vikash
Department, Mahanadi Bhawan, Mantralaya, Raipur Chhattisgarh
2. Collector, Raigarh, District Raigarh Chhattisgarh
3. C.E.O. Zila Panchayat, Raigarh, Raigarh Chhattisgarh
4. C.E.O. Janpad Panchayat Sarangarh District Raigarh Chhattisgarh
5. Smt. Geeta Bai, W/o Chotelal Chandra, Sarpanch, Gram Panchayat Andola,
Andola, Tahsil Sarangarh, District Raigarh Chhattisgarh
6. Secretary, Gram Panchayat Andola, Andola, Tah. Sarangarh, District
Raigarh Chhattisgarh

---- Respondents

For Petitioner	:	Mr. R.N. Mukherjee, Advocate.
For State	:	Mr. Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/06/2016

Heard on admission.

This petition, under Article 226 of the Constitution of India, has been filed by the petitioner aggrieved by non-payment of wages.

2. The petitioner is working as 'Panchayat Sahayak cum Data Entry Operator' in Gram Panchayat Andola. The pleadings reveal that there is some dispute with regard to attendance of the petitioner. It is the case of the petitioner that while Secretary has allowed the petitioner, the Sarpanch is not permitting the petitioner to sign the attendance-sheet and because of this dispute, wages are not being paid.

3. Though there is no order as such passed against the petitioner till date by Gram Panchayat, considering that there is a hierarchy of remedy provided under the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995 against orders passed by various authorities under the Panchayats Act, the grievance arising on account of denial of wages, in the present case should be brought to the notice of the Appellate Authority, who is competent to hear appeal against the order passed by Gram Panchayat. Under Rule 3 of the Rules of 1995, it is the jurisdictional Sub-Divisional Officer, who is competent to hear appeal against the orders of Gram Panchayat. The power of appeal can be exercised by the SDO not only in cases whereas specific order has been passed against which a person feels aggrieved but also cases wherein on account of inaction, the grievance is ventilated. Therefore, in cases like this, the SDO shall have jurisdiction to hear all kinds of grievances, representations, not only against the order but also against inaction or any other kind of action which results in any grievance of any person or employee due to the order or inaction of Gram Panchayat.

4. In view of the above circumstances, the petitioner is directed to submit the appeal/ representation before the SDO, who shall examine the same in accordance with law and pass orders in exercise of Appellate Jurisdiction conferred to it under Rule 3 of the Rules of 1995. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E