

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5931 of 2007**

- Sudeshwar Tiwari S/o Shri Ram Prasad Tiwari, aged about 43 years, Ex-Secretary Village Panchayat Sitarampur, Tahsil Pal, District Sarguja (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh through Secretary, Panchayat & Social Welfare Department, D.K.S. Bhawan, Raipur (C.G.)
2. Collector, Sarguja (C.G.)
3. Chief Executive Officer Janpad Panchayat Balrampur, District Sarguja (C.G.)
4. Gram Panchayat Sitarampur Through: Sarpanch (Sitarampur) Balrampur, Tahsil Pal, District Sarguja (C.G.)
5. Shri Uday Yadav Presently working as Panchayat Secretary, Village Panchayat Sitarampur, District Sarguja (C.G.)

---- Respondents

For Petitioner	None
For Respondent-State	Shri Arvind Dubey, PL
For Respondent No.4	Shri Pawan Shrivastava, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****05/05/2017**

1. No one appears for the petitioner to argue the matter, therefore, the writ petition being about 10 years old, this Court proceeded to hear learned State counsel and perused

the record for deciding the writ petition.

2. It appears, the petitioner was appointed as Panchayat Karmi of Gram Panchayat Sitarampur, Janpad Panchayat Balrampur, District Surguja, however, on account of some irregularities including financial irregularity, the Gram Sabha of the concerned Gram Panchayat passed resolution to remove the petitioner from services and appoint the respondent No.5 as Panchayat Karmi. The order of removal dated 31.07.1998 was assailed by the petitioner by preferring WP No.3789/1998, which was disposed of on 31.08.1998 relegating the petitioner to avail the alternative remedy of appeal. The impugned order has been passed by the Appellate Authority pursuant to the said direction.
3. It appears, despite the irregularities committed by the petitioner, he was offered an opportunity to serve in the Gram Panchayat by residing in the Gram Panchayat area, because under the extant guidelines governing appointment of Panchayat Karmi, the candidate has to be a resident of the Gram Panchayat area. However, the petitioner did not accord consent and in a way refused to live in the village. Thus, he desired to work as Panchayat Karmi by staying at his native village which is situated at a distant of 43 kms from the Gram Panchayat headquarter.

4. At present, the respondent No.5 is working as Panchayat Karmi/Panchayat Secretary of the subject Gram Panchayat since 1998 i.e. for about 19 years, therefore, considering all the relevant aspects of the matter, this Court does not deem the present to be a fit case for interference.
5. The writ petition being bereft of any substance, it deserves to be and is hereby dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala