

HIGH COURT OF CHHATTISGARH, BILASPUR
WP227 No.1983 of 2009

Smt. Pushpa Sahu Wd/o Late Jagmohan Lal Sahu, Aged about 37
 yers, R/o Village Khajri, Tehsil Dhamdha, District Durg (CG)
 ---- Petitioner

Versus

1. Project Officer, Integrated Child Development Project,
 Dhamdha, District Durg (CG)
2. Smt. Kamlesh Chaturvedi, W/o Shri Krishnadas Chaturvedi,
 Aged about 30 years, R/o Village Khajri, Tehsil Dhamdha,
 District Durg (CG).

---- Respondents

For Petitioner	:	Mr.Majid Ali, Advocate
For Respondent No.1	:	Mr.Ashish Surana, P.L.
For Respondent No.2	:	Mr.R.R.Soni, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

11/12/2017

1. The petitioner was appointed as Anganwadi Worker at Anganwadi Kendra 2, Khajri, District Durg, she was removed from the post of Anganwadi Worker on 29.6.2007, against which, she preferred an appeal before the Additional Collector, Durg, which was dismissed by the Additional Collector, Durg on 25.8.2007 and duly affirmed by the Director (Panchayat), Chhattisgarh, Raipur by the impugned order. Questioning that order, this writ petition has been preferred by the petitioner herein.
2. Learned counsel for the petitioner would submit that the the Additional Collector, Durg has dismissed the appeal of the

2

petitioner only on the ground that enquiry has been conducted on the direction of the Collector and after his approval the impugned order has been passed, therefore, he has no jurisdiction to hear the appeal, which has been affirmed by the Director (Panchayat). Therefore, the impugned order is unsustainable and bad in law.

- 3.** On the other hand, learned Panel Lawyer appearing for respondent No.1 would support the impugned order.
- 4.** Learned counsel for respondent No.2 would submit that the Director (Panchayat), Chhattisgarh, Raipur has held the appeal to be not maintainable.
- 5.** I have heard learned counsel for the parties, considered their rival submissions made herein-above and also gone through the records with utmost circumspection.
- 6.** Since the Additional Collector, Durg has dismissed the appeal only on the ground that the order is approved by the Collector and enquiry has been conducted at the direction of the Collector, it has not been decided on merits of the dispute.
- 7.** Accordingly, the impugned order dated 29.10.2008 (Annexure P/1) passed by the Director (Panchayat), Chhattisgarh, Raipur and the order dated 25.8.2007 (Annexure P/5) passed by the Additional Collector, Durg are hereby set aside. Matter is remitted to the Collector, Durg who will hear the appeal of the

petitioner and pass a reasoned and speaking order without being influenced by the earlier order passed by the Additional Collector, Durg after hearing all affected parties.

- 8.** The writ petition is allowed to the extent indicated herein-above. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-