

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP No. 806 of 2005

Mukhi Ram, S/o Bhikha Ram, aged about 36 years, Occupation-Secretary, R/o Batara, Tahsil-Pali, District Korba (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh, Secretary Panchayat Department, DLS Building, Raipur (CG)
2. The Director Panchayat and Social Welfare, Chhattisgarh, Raipur (CG)
3. The Deputy Director, Panchayat and Social Welfare, Korba (CG)
4. The Collector (Panchayat Branch) Korba (CG)
5. The Chief Executive Officer, Janpad Panchayat, Pali, District-Korba
6. The Sarpanch, Gram Panchayat Batra, Tahsil Pali District Korba (CG)

---- Respondents

For Petitioner	:	Shri Punit Ruparel, Advocate
For State	:	Shri Satish Gupta, Govt. Advocate and Shri Manish Nigam, Panel Lawyer

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

Order On Board

24/07/2017

1. The petitioner by this petition has assailed correctness and validity of order dated 23.12.2004 passed by the Director Panchayat dismissing the revision of the petitioner against order dated 29th March, 2004 passed by the Deputy Director, Panchayat and Social Welfare by which the charge of the office of Secretary was withdrawn from the petitioner on certain allegation.
2. Though number of grounds have been urged by learned counsel for the petitioner to assail correctness and validity of the order by which the charge of the office of Secretary was withdrawn, learned counsel for the State rightly points out that on those charges, the Gram Panchayat passed a resolution on 19.10.2003 by which it was resolved to remove the petitioner from the office of Panchayat Karmi.

3. It is found that the petitioner has confined challenge only to the order by which the charge of the office of Secretary was taken away by the petitioner on certain allegation and in fact the petitioner has not challenged the action of the Gram Panchayat by which he has been terminated from the office of Panchayat Karmi. Therefore, in the absence of there being any challenge to the resolution by which the petitioner was removed from the office of Panchayat Karmi, the challenge to the order passed by the Dy. Director on 29.3.2004 and subsequent order passed in revision on 23.12.2004 must necessarily fail as no relief can be granted for reinstatement of the petitioner as Panchayat Karmi without there being any challenge to the orders and proceedings by which the petitioner was removed from the office of Panchayat Karmi.
4. The petitioner is left to work out his remedy against action of the Gram Panchayat by which his services as Panchayat Karmi have been dispensed with.
5. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge