

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 150 of 2017**

- Aasim Sona S/o Late Shri Josef Sona, Aged About 36 Years, Occupation Sarpanch, Gram Panchayat Jagdishpur, R/o Village Jagdishpur, Thana & Tahsil Pithoura, Civil And Revenue District Mahasamund (Chhattisgarh).

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Capital Complex, New Raipur, District Raipur (Chhattisgarh).
2. Collector, Mahasamund, District Mahasamund (Chhattisgarh).
3. Sub Divisional Officer (Revenue), Pithoura, District Mahasamund (Chhattisgarh).
4. Chief Executive Officer, Janpad Panchayat Pithoura, District Mahasamund (Chhattisgarh).

---- Respondent

For Petitioner	Mr. Sunil Sahu, Advocate
For Respondent /State	Mr. Arun Sao, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****23/2/2017**

1. Heard.
2. The petitioner is Sarpanch of Gram Panchayat, Jagdishpur, Block Pithora, District Mahasamund. By order- Annexure P/2, he has been suspended by the prescribed authority in exercise of powers under Section 39 (1) (b) of the C.G. Panchayat Raj

Adhiniyam, 1993 (in short "the Adhiniyam") on certain allegations of committing financial irregularity.

3. Mr. Sunil Sahu, learned counsel for the petitioner, would submit that the order has not been affirmed by the State Government or by the competent authority within a period of 90 days as required under Section 39(2) of the Adhiniyam, 1993, therefore, the impugned order has become ineffective or inoperative.
4. Mr. Arun Sao, learned Dy. AG, would submit that the petitioner has already moved an application before the prescribed authority on 04.01.2017 seeking his reinstatement, because, the order of suspension has not been ratified or approved within 90 days. He would submit that if the application is still pending, the competent authority shall pass necessary orders in accordance with law.
5. In view of the above, the writ petition is disposed of with direction to the SDO(R), Pithora, to pass necessary orders on the petitioner's application under Section 39(2) of the Adhiniyam (Annexure P/3) within a period of 03 weeks from today subject to submission of certified copy of this order.

Sd/-

Judge

(Prashant Kumar Mishra)