

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 551 of 2017**

1. Badaka Dau Banjare S/o Late Shri Jagatram Banjare, Aged About 32 Years
2. Gendlal Mahilange S/o Shri Chotu Ram Mahilange, Aged About 60 Years
3. Birbal Suman S/o Shri Shivcharan Suman, Aged About 57 Years

All petitioners are R/o Village & Post Bade Rabeli, Police Station & Tahsil Malkharauda, Civil & Revenue District Janjgir Champa (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Govt. Of Chhattisgarh, Mahanadi Bhawan, New Raipur, Civil & Revenue District Raipur (Chhattisgarh)
2. Additional Commissioner, Bilaspur Division Bilaspur, Civil & Revenue District Bilaspur (Chhattisgarh)
3. Collector, Janjgir, Civil & Revenue District Janjgir Champa (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat, Malkharauda, Civil & Revenue District Janjgir Champa (Chhattisgarh)
5. Shashi Kapoor, S/o Kartik Ram Aged About 32 Years, Gram Rojgar Sahayak, Gram Panchayat Bade Rabeli, Janpad Panchayat Malkharauda, R/o Village & Post Bade Rabeli, Police Station & Tehsil Malkharauda, Civil & Revenue District Janjgir Champa (Chhattisgarh)

---- Respondent

For Petitioners	Mr. Ramesh Naik, Advocate
For Respondent /State	Mr. A.S. Kachhwaha, Addl. Advocate General

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

8/3/2017

1. Heard.
2. The petitioner would assail the interim order passed by the Additional Commissioner, Bilaspur Division, Bilaspur, whereby, while entertaining the appeal preferred by respondent No.5, the Additional Commissioner has stayed the effect and operation of the order dated 20.09.2016, terminating the services of the said respondent as Rozgar Sahayak, Gram Panchayat Bade Rabeli, Janpad Panchayat Malkharauda, District Janjgir-Champa.
3. On being confronted as to how the petitioners have the locus to maintain this writ petition, it is argued that they were complainant before the Janpad Panchayat, therefore, they have an interest in the outcome of the matter.
4. The present is not a case where removal of any elected office bearer of a Janpad Panchayat has been directed under Section 40 of the C.G. Panchayat Raj Adhiniyam, 1993. The order dated 20.09.2016 refers to some enquiry proceedings and not to the complaint made by the petitioners. They were also not arrayed as parties before the Additional Commissioner, Bilaspur Division.
5. In service dispute, the *lis* is between the employee and employer and a third party has no locus to challenge the order passed by the employer for and against an employee.

6. In the present case, it is for the concerned employer i.e. the Chief Executive Officer, Janpad Panchayat, Malkharauda, to challenge or accept the interim order passed by the Additional Commissioner.
7. In the considered view of this Court, the petitioners have no locus to challenge the order passed by the Additional Commission, Bilaspur Division, therefore, the writ petition is not maintainable.
8. The writ petition is accordingly dismissed, as not maintainable.

Sd/-

Judge

(Prashant Kumar Mishra)

Shyna