

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 902 OF 2017

Pitwas Deewan, S/o Bijrang Deewan, aged about 32 years, R/o at present Secretary, Gram Panchayat, Bodanpal-02, Village Bodanpal-02, Janpad Panchayat Bastar, District Bastar (C.G.)

... Petitioner

Versus

- 1.** State of Chhattisgarh, through Secretary, Panchayat and Rural Development Department, Mantralaya, Capital Complex, Mahanadi Bhawan, New Raipur, Police Station Raipur, Head Post Office Raipur, Police and Revenue District Raipur, District Raipur (C.G.)
- 2.** Collector, Jagdalpur, District Bastar (C.G.)
- 3.** Chief Executive Officer, Zila Panchayat, Bastar, District Bastar (C.G.)
- 4.** Joint Director, Panchayat and Social Welfare, District Bilaspur (C.G.)
- 5.** Gram Panchayat, Bastanar, through its Sarpanch, Village Bastanar, District Bastar (C.G.)

... Respondents

For Petitioner : Mr. Manoj Paranjpe, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/03/2017

- 1.** The order under challenge in the present case is Annexure P-1, dated 10.11.2016, passed by Chief Executive Officer, Zila Panchayat, Bastar, Jagdalpur, whereby punishment has been imposed against the Petitioner of withholding of his two increments with cumulative effect. In addition to the order of aforesaid punishment, an order of recovery to the tune of Rs. 12,22,764/- has also been ordered to be recovered from the salary of the Petitioner.
- 2.** The order of punishment has been invoked exercising powers under Rule 10(iv) of the Chhattisgarh Civil Services (C.C.A.) Rules, 1966 (in short, 'the Rules of 1966').
- 3.** Contention of the Counsel for the Petitioner is that, since the punishment has been imposed invoking the provisions of the Rules of 1966 therefore the appeal to the Appellate Authority would not be justified. That, had it been a case where the punishment order would have been issued under

the provisions of Panchayat Service (Discipline and Appeal) Rules, 1999, (in short, 'the Rules of 1999'), only then would it be proper for the Petitioner to avail an appeal under the Rules of 1999.

4. This contention of the Petitioner would not be acceptable. For the reason that once when there is no dispute that the order of punishment passed by the Disciplinary Authority being an appealable order, the contention whether the punishment could have been initiated under the Rules of 1966 or whether it should have been under the Rules of 1999, is also a matter which could be looked into by the Appellate Authority.

5. Undisputedly, the order of punishment against an employee working in the Panchayat department particularly, the Petitioner, who has been working as Panchayat Secretary, is an appealable order. There is a provision of appeal under Rule 15 of the Rules of 1999. Be that as it may, this Court at this juncture is not inclined to entertain the petition.

6. The writ petition thus is dismissed. However, the Petitioner would be at liberty to prefer an appeal before the Appellate Authority under Rule 15 of the Rules of 1999. In the event of the Petitioner preferring an appeal promptly, it is expected that the Appellate Authority shall consider the case and shall also deal upon the issues raised by the Petitioner in the appeal.

7. With the aforesaid observations, the present writ petition stands dismissed.

Sd/-
(P. Sam Koshy)
Judge