

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 2532 of 2018

Dhal Singh Thakur S/o Late Shri Ganesh Singh Thakur, Aged About 34 Years, Teacher (Panchayat) At Govt. Middle School, Burgum, Block Bastanar, Civil And Revenue District Bastar, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. District Panchayat, Bastar, Through Its Chief Executive Officer, Jagdalpur, Chhattisgarh.
3. Janpad Panchayat, Bastanar, Through Its Chief Executive Officer, District Bastar, Chhattisgarh.
4. Block Education Officer, Block Bastanar, District Bastar, Chhattisgarh.
5. Vikas Kumar Yadav, Teacher (Panchayat), Middle School, Erla, Makdi, District Bastar (Jagdalpur), Chhattisgarh.
6. Nitesh Sharma, Teacher (Panchayat), Middle School, Otenda, Makdi, District Bastar (Jagdalpur) Chhattisgarh.

---Respondents

For petitioner	:	Shri A.S.Rajput, Advocate.
For State	:	Shri Sangharsh Pandey, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22/03/2018

1. This is the second round of litigation.
2. The claim of the petitioner is in respect of seniority with effect from the date his juniors have been promoted.
3. While disposing of the earlier Writ Petition i.e. WPS No.4169/2017, this Court had granted the liberty to the petitioner to make a representation which

should be decided within 60 days. However, it was also observed that in the event if the representation is not decided, the petitioner would be at liberty to file an appeal against the order passed against him under the provision of Chhattisgarh Panchayat (Appeal and Revision) Rules, 1995. For ready reference, paragraph 3 of the said order dated 30/08/2017 is reproduced herein under:-

“3. Without commenting upon the merits of the case, let representation of the petitioner be considered and decided within a period of 60 days by a speaking order. If grievance of the petitioner is not redressed, he would be at liberty to file an appeal against the order that may be passed against him under the provisions of CG Panchayat (Appeal & Revision) Rules, 1995.”

4. Subsequently, the respondents have now decided the representation of the petitioner on 15/01/2018.

5. Given the fact that the representation stands decided, the only option left for the petitioner as per the direction of this Court dated 30/08/2017 is to prefer an appeal before the Director Panchayat and not filing a fresh representation.

6. Accordingly, the present Writ Petition stands dismissed as not maintainable.

7. However, the petitioner would be at liberty to prefer an appeal immediately before the Director Panchayat within a period of 15 days from today and on such appeal being filed by the petitioner, the Director

Panchayat shall decide the same within a further period of 60 days by passing a speaking order considering all the objections raised by the petitioner in his appeal.

8. The Writ Petition accordingly stands dismissed with the aforesaid observation.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit