

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1755 of 2018**

Lainu Ram Kosle S/o Late Shri Chanduram Kosle, Aged About 40 Years,
R/o Village Nawagaon (A), Tahsil Abhanpur, District Raipur, Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat, Mahandi Bhawan, New Mantralaya, Naya Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Director, Panchayat Directorate Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Commissioner, Revenue Division Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. Collector, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
5. Sub Divisional Officer, Abhanpur, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
6. Toman Lal Sahu, S/o Lakhan Lal Sahu, Sarpanch, Gram Panchayat, Nawagaon (A), Tahsil Abhanpur, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

--- **Respondents**

For Petitioner	:	Mr. A. D. Kuldeep, Advocate.
For Respondents / State	:	Mr. Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/07/18

1. The respondent No. 6, Sarpanch Toman Lal Sahu was placed under suspension on 14.09.2016 by the Sub-Divisional Officer, District Raipur in exercise of power conferred under Section 39 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (for brevity, 'Act of 1993') and it was sent for confirmation to the authority named thereunder. But it was not confirmed within the prescribed period and ultimately the suspension was revoked by

order dated 24.01.2017 which was challenged by the petitioner herein and the said challenge was found unsustainable by the Additional Commissioner and Collector and petitioner's appeal was rejected by order dated 26.12.2017, against which this writ petition has been preferred by the petitioner.

2. Learned counsel for the petitioner would submit that the impugned order passed by learned Commissioner and Collector is unsustainable and bad in law and deserves to be set aside.

3. I have heard learned counsel for the petitioner.

4. The suspension has rightly been revoked as the suspension was not confirmed by the competent authority within the prescribed period under Section 39(1) of the Act of 1993 which has been challenged by the petitioner in appeal but it has rightly not been entertained by the learned Collector and Commissioner. As such I do not find any illegality in the order impugned.

5. Accordingly, the writ petition deserves to be and is hereby dismissed. No order as to cost(s).

SD/-

(Sanjay K. Agrawal)
Judge