

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 2145 of 2018**

Smt. Sunita Sarthi (Sarpanch) W/o Vinod Sarthi, aged about 25 years,  
Occupation – Sarpanch, Gram Panchayat Masturi, Janpad Panchayat  
Masturi, District Bilaspur (C.G.) R/o Village and Post Masturi, Tahsil Masturi,  
District Bilaspur (C.G.) **---- Petitioner**

**Versus**

1. The State of Chhattisgarh, through the Secretary, Panchayat and Rural Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
2. Collector, Bilaspur, District Bilaspur (C.G.)
3. Sub-Divisional Officer (Revenue) Masturi, District Bilaspur (C.G.)
4. Chief Executive Officer, Zila Panchayat, Bilaspur (C.G.)
5. Ishwar Suryawanshi, S/o Late Nankiya Suryawanshi, R/o Jairam Nagar Road Gopiyapar, Post and Tahsil Masturi, District Bilaspur (C.G.)  
**---- Respondents**

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| For Petitioner          | : | Mr. Amit Kumar, Advocate. |
| For Respondents / State | : | Mr. P. K. Bhaduri, G.A.   |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order On Board****02/08/18**

1. The petitioner was suspended from the post of Sarpanch by order dated 21.08.2017 against which he has preferred appeal before the Collector, Bilaspur which was dismissed on 20.11.2017 and thereafter, it was challenged in the writ petition being WPC No. 143 of 2018 which was disposed of directing the petitioner to make representation before the Sub-Divisional officer (Revenue), Masturi questioning the constitution of the committee. Now, by the impugned order dated 25.06.2018, the representation has been rejected.
2. Learned counsel for the petitioner would submit that the committee

constituted to enquire into the allegation was illegal as one Satish Tandon, Ex-Sarpanch Secretary was also included in that committee which is apparent from the letter dated 03.07.2017 (Annexure – P/5) therefore, the order passed by the Sub-Divisional Officer (Revenue) is unsustainable and bad in law.

3. I have heard learned counsel for the petitioner.

4. The Sub-Divisional Officer (Revenue) has constituted a committee to enquire into the financial irregularities by order dated 19.04.2017 in which the Tahsildar, Masturi; Chief Executive Officer, Janpad Panchayat Masturi; Sub-Divisional Officer – RES, Masturi; Sub-Divisional Officer – PHE, Masturi and Panchayat Inspector, Janpad Panchayat, Masturi were included as the members of the committee, which has been questioned by the petitioner to be illegal on the ground that Satish Tandon has also been included. A copy of the order dated 19.04.2017 constituting the enquiry committee has been filed along with the writ petition as Annexure – P/4 in which Satish Tandon is not a member of the committee. He has only been directed to appear before the Naib Tahsildar on 03.07.2017 vide Annexure – P/5 and the committee consisting of the aforesaid five members have already submitted a report on 24.06.2017 and by order dated 25.06.2018, Satish Tandon has also been asked to file reply. As such, the enquiry committee constituted is strictly in accordance with law. Even otherwise, petitioner has participated in the said enquiry and defended himself and finding the enquiry report unfavourable decided to question the constitution of said committee which is clearly impermissible in law (see **Madanlal v. State of J & K and Others**<sup>1</sup>). As such, I do not find any merit in the writ petition.

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

SD/-

**(Sanjay K. Agrawal)**  
Judge

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1 (1995) 3 SCC 486

