

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2170 of 2008

1. Gram Panchayat – Jabga, through its Sarpanch, Bhaktu Ram Rathia, aged about 36 years, son of Shri Arjun Singh Rathia, Tah. Dharamjaigarh, District Raigarh (C.G.)
2. Gulab Ram Patel, aged 25 years, S/o Padam Kumar Patel, Panchayat Karmi / Sachiv, Gram Panchayat Jabga, Tah. Dharamjaigarh Distt Raigarh (C.G.)

---- Petitioners

Versus

1. State Of Chhattisgarh, through – its Secretary, Department of Village Panchayat and Rural Development D.K.S. Bhawan Raipur (C.G.).
2. The Director (Panchayat) State of Chhattisgarh, Raipur.
3. Deputy Director, Deptt of Panchayat and Rural Development, Raigarh (C.G.)
4. Sub Divisional Officer (Rev) Dharamjaigarh, Distt. Raigarh (C.G.)\
5. Chief Executive Officer, Janpad Panchayat – Dharamjaigarh, District Raigarh (C.G.)
6. Simon Ekka, Ex-Panchayat Karmi (Sachiv), Gram Panchayat Jabga, presently resided at – village Jabga, Janpad Panchayat Dharamjaigarh, Tahsil Dharamjaigarh, Distt.- Raigarh (CG), permanent resident of village Turgaama, Tah. Patthalgaon Distt. Jashpur (C.G.)

---- Respondents

For Petitioners
For Respondent-State

Shri A. N. Bhakta, Advocate
Shri Vikas Bhaskar, PL

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

03/10/2019

1. Challenge in this petition is to the order (Annexure-P-1) passed by the Director (Panchayat), Chhattisgarh allowing the appeal

preferred by respondent No.6 to set aside the order of termination as Panchayat Karmi (Secretary) of Gram Panchayat Jabga, Janpad Panchayat Dharamjaigarh, District Raigarh.

2. Respondent No.6 was removed from the Office of Panchayat Karmi (Secretary) of the subject Gram Panchayat as he was found to commit misappropriation of panchayat funds. The last paragraph of the impugned order also reflects that a show cause notice was issued to him before removal from service. However, it does not appear from the record that any disciplinary proceeding was initiated by issuance of charge sheet against the respondent No.6.
3. Be that as it may, when on an earlier occasion the Director (Panchayat) had passed an order on 14.12.2005 allowing the appeal preferred by respondent No.6, without hearing the petitioner or the disciplinary authority or the gram panchayat, the said order was set aside by the High Court vide order dated 09.05.2006 in WP No.1042/2006. This Court thereafter directed the Director (Panchayat) to restore the appeal filed by respondent No.6 on its original number and issue notice to the Deputy Director (Panchayat), the Chief Executive Officer, Janpad Panchayat Dharamjaigarh, and also to hear the respondent No.6 and the present petitioners and thereafter pass a fresh order. However, the cause title of the impugned order again reflects that neither the petitioners nor the Deputy Director (Panchayat) nor the Janpad Panchayat, Dharamjaigarh were made parties and heard by the Director (Panchayat).

4. Learned counsel for the petitioners would submit that at present the appeals are heard by the Divisional Revenue Commissioner and not by Director (Panchayat).
5. Considering the fact that the impugned order has been passed by the Director (Panchayat) without hearing the parties, in terms of the order passed by this Court in WP No.1042/2006, the impugned order is set aside and the matter is remitted back to the Director (Panchayat) or any other Appellate Authority, who is presently empowered to hear the appeals, to take up the matter again on merits and decide the same at the earliest after hearing all the necessary parties including the present petitioner and the respondent No.6 Simon Ekka.
6. The writ petition stands disposed of in the above stated terms.

Sd/-
Prashant Kumar Mishra
Judge

Nirala