

HIGH COURT OF CHHATTISGARH, BILASPUR
WPS No. 6549 of 2008

- Smt. Neetu Sharma, W/o Ramesh Sharma, aged about 25 years, R/o Village Dhamki, Block Kawardha, District – Kabirdham (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Department of Panchayat, D.K.S. Bhawan Mantralaya, Raipur (C.G.)
2. The Director, Department of Panchayat, Raipur (C.G.)
3. Additional Collector, Kabirdham (C.G.)
4. Janpad Panchayat, Kawardha, District Kabirdham (C.G.) through its Chief Executive Officer
5. Gram Panchayat Dhamki, Through Sarpanch, Block Kawardha, District – Kabirdham (C.G.)
6. Smt. Nandini, W/o Nandlal Kaushik, aged about years, R/o Village Dhamki, Block Kawardha, District Kabirdham (C.G.)

---- Respondents

For Petitioner	:	Shri Vinod Deshmukh, Advocate
For Respondents No.1 to 3/State	:	Shri Siddharth Dubey, Deputy GA
For Respondent No.4	:	Shri Pawan Shrivastava, Advocate
For Respondent No.5	:	None
For Respondent No.6	:	Shri Naha Roy, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice

Order on Board

01.02.2019

1. Heard the parties.
2. In the writ application, order dated 14.11.2008 passed by the Director, Panchayat Chhattisgarh in Revision Case No.471/B-121/2006-07 has been assailed.
3. The matter related to the appointment on the post of Anganbadi Worker at Village Dhamki, Janpad Panchayat, Kawardha, District – Kabirdham. The private Respondent, namely, Smt. Nandini was selected and appointed by Panchayat and after almost a year, the present Petitioner raised objection against her selection and appointment on various grounds. The application in

complaint/appeal was entertained and decided in favour of the present Petitioner in the sense that the appointment of the private Respondent was held to be bad on the ground that her name was not mentioned in the voter list and she was not a family living below the poverty line.

4. Aggrieved by the order, revision application was preferred which was allowed vide order dated 14.11.2008 leading to restoration of the private Respondent to the post of Anganbadi Worker. The Revisional Authority categorically held that there was no illegality in the selection and appointment. The findings given by the Collector was erroneous with regard to her name not being mentioned in the voter list, or that she was not recommended by the Panchayat for such appointment etc. In addition to the above, the Revisional Authority took significant note of the fact that the appeal was entertained beyond the period of limitation despite an objection to the same was raised on behalf of the private Respondent. There was no order passed on the condonation application, if any, and on an erroneous ground that within a month of such appointment an application was filed with the Office of the Collector raising a grievance was given as the reason for entertaining a time barred application.
5. The order passed by the Collector was not on the application initially filed by the present Petitioner raising grievance against selection of the private Respondent. It was based on a duly registered appeal which was filed beyond the period of limitation. The ground so taken for ignoring the delay that an application was filed by the Petitioner within a month of such selection was an erroneous view therefore the Revisional Authority has rightly interfered with the order of the Collector.

6. In the given facts and circumstances, I am of the opinion that the Revisional Authority has rightly exercised his power and corrected the illegality committed by the Collector in interfering with the order of the appointment of the private Respondent, which was based on erroneous facts as well as law.
7. Writ application has no merit. It is dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice