

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1467 of 2019

Girdhari Patel, S/o Late Shri Harishankar Patel, Aged About 25 Years, Incharge Sarpanch, Kotmi, R/o Village And Post Kotmi, Tahsil Dabhara, District Janjgir Champa Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Its Sub Divisional Officer (Revenue), Dabhra, District Janjgir Champa Chhattisgarh.
2. The Chief Executive Officer Janpad Panchayat, Dabhra, Tahsil Dabhra, District Janjgir Champa Chhattisgarh.
3. Awadh Ram Sidar Sarpanch, S/o Shri Milan Sidar, Aged About 31 Years, R/o Village Kotmi, Tahsil Dabhra, District Janjgir Chmpa Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Kamal Kishor Patel, Advocate
For State	:	Mr. Ashish Surana, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.04.2019

Heard

1. The present petition is filed on the ground that the charges have been framed against Respondent No. 3 under Sections 420, 467, 468 & 471 read with Section 34 of the Indian Penal Code which is covered under Chapter 18 of the Indian Penal Code, 1860.
2. It is stated that Section 39(1)(A) of the Panchayat Raj Adhiniyam, 1993 contemplates that if the charges under Chapter 18 of the Indian Penal Code are framed against the person then the prescribing authority may suspend the officer in exercise of the power under Section 39(1)(a) of the Panchayat Raj Adhiniyam 1993.

3. The learned counsel submits that the petitioner, though has moved an application before the SDO, which is the prescribed authority, on 11.01.2019, the same is not decided. He also refers to the application on page 27, which is addressed to the SDO.
4. Considering the facts without any observation on the merit and after referring to Section 39(1)(a) of the Panchayat Raj Adhiniyam, 1993, it is the prescribed authority who is given the discretion that 'he may suspend the officer in case the situation exists as contemplated under Section 39(1) (a)'. Therefore, the application if so moved by the petitioner shall be decided by the prescribed authority within a reasonable period of 45 days from the presentation of the copy of this order. It is further made clear that this Court has not made any observation on any merit touching upon the factual aspects and the prescribing authority shall be in its discretion to proceed.
5. With such observations, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
JUDGE