

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 391 of 2017**

{Arising out of Order dated 24/07/2017 passed in Writ Petition No.806 of 2005 by the learned Single Judge}

Mukhi Ram S/o Bhikha Ram, Aged About 48 Years R/o Batara, Tahsil Pali, District Korba, Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat Department, D.K.S. Building, Raipur, Chhattisgarh.
2. The Director, Panchayat And Social Welfare, Chhattisgarh, Raipur, Chhattisgarh.
3. The Deputy Director, Panchayat And Social Welfare Korba, Chhattisgarh.
4. The Collector, (Panchayat Branch), Korba, Chhattisgarh.
5. The Chief Executive Officer, Janpad Panchayat Pali, District Korba, Chhattisgarh.
6. The Sarpanch, Gram Panchayat Batra, Tahsil Pali, District Korba, Chhattisgarh.

---- Respondents

For Appellant : Mr. Punit Ruparel, Advocate

For Respondent/State : Mr. Vikram Sharma, P.L.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**Per P.R. Ramachandra Menon, Chief Justice****01/07/2019**

1. Termination of service of appellant herein from the post of Panchayat Secretary in connection with some allegation levelled against him without conducting a proper inquiry and compliance of Rule 7 of the Chhattisgarh Panchayat Service (Discipline and Appeal) Rules, 1999 (hereinafter referred to as 'Rules, 1999') is put to challenge in this appeal.

2. Learned counsel for the appellant submits that the appellant was working as Panchayat Secretary and based on a resolution taken by the Gram Panchayat, his service was terminated in the year, 2004. Though a challenge was raised before the learned Single Judge by filing a writ petition in the year 2005 itself it was finalized only recently and the writ petition came to be dismissed on 24/07/2017 solely for the reason that the appellant had not challenged the basic resolution taken by Gram Panchayat on 29/03/2004, on the basis of which the order of termination was passed.
3. The learned counsel for the appellant submits that, it was not necessary for the appellant to have challenged the resolution for various reasons as mentioned in the memorandum of appeal. He also submits that, necessity to conduct an inquiry in accordance with Rule 7 of Rules 1999 is no more res-integre, insofar as the said question has been considered and answered in favour of person like appellant, as per the verdict passed by a learned Single Judge of this Court in the matter of **Dhaluram Kosaria v. State of C.G. & others, 2006(2) C.G.L.J. 186.**
4. Learned counsel for respondent/State submits that the above verdict was not brought to the notice of learned Single Judge when the matter was finalized as per the judgment under challenge.
5. In such circumstances, learned counsel for the appellant seeks for permission to withdraw the writ appeal without prejudice to rights and liabilities of the appellant to move the learned Single Judge by way of appropriate proceedings, in accordance with law.
6. Under such circumstances, reserving rights and liberties as above, writ appeal is dismissed as withdrawn.
7. We make it clear that we have not expressed any opinion with regard to the

applicability of Rule 7 of Rules 1999 as sought to be relied on or otherwise.

Sd/-
(P.R. Ramachandra Menon)
CHIEF JUSTICE

Sd/-
(Parth Prateem Sahu)
JUDGE

Yogesh