

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2257 of 2019

Vinod Kumar Ravtay S/o Shri Chandan Ram Ravtay Aged About 29 Years R/o Gram And Post Talakurra Police Station Korar, Janpad Panchayat Kanker, District North Baster Kanker Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat Department, Mantralaya Naya Raipur, Atal Nagar, Raipur Chhattisgarh.
2. The Collector, District North Baster Kanker Chhattisgarh.
3. The Sub Divisional Officer (R) District North Baster Kanker Chhattisgarh.
4. The Chief Executive Officer, Jila Panchayat District North Baster Kanker Chhattisgarh.

---Respondents

For petitioner- Shri Satish Gupta, Advocate.
For State -Shri Sudeep Verma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

08/07/2019

Heard.

1. Learned counsel for the petitioner would submit that the petitioner was initially removed on 4/02/2019 by the SDO in exercise of power under the C.G. Panchayat Raj Adhiniyam, 1993. Said order was subject of appeal before the Collector and Collector by an order dated 20/06/2019 has affirmed the order. Learned counsel submits that the SDO has not contemplated enquiry as contemplated under section 40 of the C.G. Panchayat Raj Adhiniyam, 1993. Therefore, he relies in a case law reported in **ILR 2018 Chhattisgarh 417** in between **Smt. Kamti Bai Manglu Ram v. State of Chhattisgarh & ors.** and would submit that under the circumstances this court has to interfere. Rule 5 of C.G. Panchayats (Appeal and Revision) Rules, 1995 provide that in case petitioner may avail remedy of revision before the appropriate authority.

2. In view of the fact that alternative remedy is available, I am not inclined to exercise the power under Article 226 of the Constitution of India. Petitioner may avail the statutory remedy under Rule 5 of C.G. Panchayats (Appeal and Revision) Rules, 1995. It is further observed that the petitioner shall have all the right to raise the grounds as has been contained herein including the fact that before removing the petitioner rules for removal have not been followed as per the ratio laid down in case of **Smt. Kamti Bai Manglu Ram v. State of Chhattisgarh & ors.** (supra).

3. With such observation, the petition is disposed of.

4. Registry is directed to return the certified copies of Annexures P-1, P-2, P-3 and P-4 after retaining photo copy of the same.

Sd/-

(Goutam Bhaduri)

JUDGE