

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5145 of 2019

Sukhram Sidar S/o Tularam Sidar Aged About 32 Years R/o Village Singhra,
Police Station Malkharouda, District Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. Collector District Janjgir Champa Chhattisgarh.
3. Chief Executive Officer Zila Panchayat Janjgir Champa , District Janjgir Champa Chhattisgarh.
4. Chief Executive Officer Janpad Panchayat Malkharouda, District Janjgir Champa Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Govind Dewangan, Advocate
For State	:	Mr. P. Acharya, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/07/2019

1. The grievance of the petitioner in the present writ petition is that the petitioner inspite of the fact of being appointed as a Panchayat Secretary, issuance of the appointment order was deferred on account of the petitioner being found to be involved in some criminal cases.
2. The counsel for the petitioner drew the attention to this Court to Annexure P/3, which a judgment passed by the JMFC, Malkharouda, District Janjgir-Champa in Criminal Case No. 81/2012, whereby the petitioner has been acquitted of the charges leveled against him for the offence punishable under Section 420 read with Section 34 read with Section 511 and in the alternative Section 409 read with Sections 511, 467 read with Section 34, 468 read with Section 34 and 471 read with Section 34 of Indian Penal Code.

3. According to the petitioner, after his acquittal from the criminal case he has moved an appropriate representation before the respondent No.3, but till date no decision has been taken.
4. The State counsel at this juncture opposing the petition submits that deferment of appointment of the petitioner was of the year 2011 and in all probabilities, the posts must have been filled by subsequent recruitment. At this juncture the petitioner submits that in case if the post has not been filled then the case of the petitioner be considered by the respondent No.3.
5. Given the aforesaid submission by the counsel for the petitioner, this Court is of the opinion that let the respondent No.3 scrutinize the claim of the petitioner and pass an order keeping in view as to whether the recruitment process in which the petitioner was selected, where his appointment was deferred with, has been finalized or not. In case, if it has not been finalized or the post has been kept vacant on account of the petitioner's appointment being deferred, the respondent No.3 is expected to take a decision at the earliest within a period of 90 days from the date of receipt of the copy of this order.
6. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved