

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2723 of 2019

Smt. Kalindi Nishad, W/o. Bheekham Nishad, Aged About 43 Years, Village Panchayat Kudmuda, Tahsil - Patan, District - Durg, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Department Of Panchayat, Mahanadi Bhawan, Mantralaya, New Raipur, District- Raipur, Chhattisgarh.
2. The Collector, Durg, Chhattisgarh
3. The Sub Divisional Officer (Revenue) Patan, District- Durg, Chhattisgarh.
4. Radhe Shyam Joshi, Deputy Sarpanch, Village Panchayat - Kudmuda, Tahsil - Patan, District - Durg, Chhattisgarh.
5. Dev Lal Nishad, The Then Secretary, Village Panchayat - Kudmuda, Tahsil - Patan, District - Durg, Chhattisgarh.

---- Respondents

For Petitioner	:	Dr. Shiv Kumar Shrivastava, Advocate
For State/Respondents No.1 to 3.	:	Mr. Rahul Jha, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.08.2019

Heard

1. Challenge in this petition is to the order dated 08.07.2019 whereby the appeal preferred by the petitioner against removal under Section 40 of the Panchayat Raj Adhiniyam 1993 was affirmed by the Collector. The order was passed by the Collector in exercise of appellate power is Annexure P-1 dated 08.07.2019.
2. Rule 5 of the Chhattisgarh Panchayat (Appeal & Revision) Rules, 1995 contemplates that against the order of the Collector passed in first appeal, the revision would lie before the Commissioner. In view of such alternative remedy available, the petitioner may avail the alternate remedy to prefer a revision along with the application for condonation of delay, which may be decided by the concerned revisional Court on its own merit.

3. In view of the above, I am not inclined to entertain this petition on the ground that alternative remedy is available to the petitioner. Accordingly, the petition is dismissed.

Sd/-
Goutam Bhaduri
Judge