

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3013 of 2019**

- Rajesh Rathore S/o Kapil Nath Rathore Aged About 43 Years Occupation Chairperson, Sanchar Evam Sankarm, Janpad Panchayat, Sakti, District Janjgir Champa, Chhattisgarh, R/o Mukam Nandorkala, Tahsil Sakti, District Janjgir Champa, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Its Secretary, Department of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Police Station And Post Rakhi, New Raipur, District Raipur, Chhattisgarh
2. Commissioner Bilaspur Division Revenue District Bilaspur, Chhattisgarh
3. Collector Janjgir Champa, District Janjgir Champa, Chhattisgarh
4. Sub Divisional Officer (Revenue) Sakti, District Janjgir Champa, Chhattisgarh
5. Chief Executive Officer Janpad Panchayat, Sakti, District Janjgir Champa, Chhattisgarh

---- Respondents

For Petitioner : Shri Dheeraj Kumar Wankhede, Advocate

For Respondents/State : Shri Avinash Singh, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****03/09/2019**

1. Heard.
2. The present petition is against the order dated 22.07.2019 passed by the Collector, Janjgir-Champa, District Janjgir-Champa in exercise of power under Section 40 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993.
3. Learned counsel for the petitioner submits that the petitioner had made a

complaint of corruption against two persons/officer bearers, which in turn resulted into counter action and report was made by those officers before the police. Subsequently, the SDM has recommended the Collector for action against the petitioner and the collector without any opportunity of hearing and principle as laid down in the case of ***Kailash Kumar Dangi Vs. State of Madhya Pradesh 2000 AIHC 1033*** has passed the order of removal. He would further submit that though the petitioner has already preferred a revision before the Commissioner, which is pending adjudication against the order of the Collector dated 22.07.2019, however, since no opportunity of hearing was given to the petitioner by the Collector, this Court can also adjudicate the issue.

4. Considering the facts of this case and the submission made by learned counsel for the petitioner that the revision is pending before the Commissioner, at one time simultaneous exercise of jurisdiction would not be proper. Therefore, since the revision is already been filed before the Commissioner, the Commissioner is directed to decide the same on its own merits. It is further observed that the Commissioner shall also take into account the argument raised by the petitioner before this Court for not granting of the opportunity of hearing by the Collector. The Commissioner, therefore, shall also be obliged to see whether opportunity of hearing was granted and the principles of natural justice were followed by the Collector while passing the order. The Commissioner shall decide the pending revision within a period of 90 days from the date of receipt of copy of this order.
5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge