

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3514 of 2019**

- Barsati Lal Verma S/o Chandulal Verma Aged About 52 Years Sarpanch Gram Panchayat Jharan, Janpad Panchayat Lailunga, R/o Village Jharan, Tahsil - Lailunga, District Raigarh, civil And Revenue District Raigarh Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Panchayat And Social Welfare Department, Mahanadi Bhawan Mantralaya, New Raipur Chhattisgarh
2. Collector Kabirdham, District Kabirdham Chhattisgarh
3. Sub Divisional Officer (Revenue) Bodla, District. Kabirdham Chhattisgarh

---- Respondents

For Petitioner : Shri Ashutosh Mishra, Advocate

For Respondents/State : Shri Priyank Rathi, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****30/09/2019**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner has been suspended by order dated 04.09.2019 (Annexure P-1) for not following the guidelines of 14th Finance Commission.
3. It is contended that in response to the complaint made, the enquiry was conducted and during enquiry it was found that there has been some technical glitch occurred with respect to the infrastructure and was alleged certain guidelines were not followed. Learned counsel for the petitioner would submit

that an enquiry was conducted and after enquiry it was found that no financial irregularities have been committed, which would be evident from the report of the team of three enquiry officers. It is further submitted that only because some person is not satisfied, it will not make out a case so that the petitioner can be subjected to suspension.

4. Per contra, learned State counsel opposes the arguments advanced by learned counsel for the petitioner and would submit that the alternative remedy of filing an appeal under Section 91 of the Panchayat Raj Adhiniyam, 1993 read with Rule 3 of the Chhattisgarh Panchayat (Appeal & Revision) Rules, 1995 is provided, therefore, this petition is not maintainable.
5. Perused the documents. Specially Annexure P-8 and the enquiry report. The petitioner may agitate these grounds too before the appellate authority. Considering the same, the liberty is granted to the petitioner to file necessary appeal before the appropriate authority against the order dated 04.09.2019 (Annexure P-1). The petitioner, if so advised, may file such appeal within a period of one week before the appellate authority. In the meanwhile, there shall be stay of the order dated 04.09.2019 (Annexure P-1) for a period of three weeks.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge