

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8745 of 2019

Ranjana Tirkey D/o Late Patras Tirkey, Aged About 41 Years R/o E
L C Mission Compound, Baikunthpur, District - Korea Chhattisgarh.

---- Petitioner

1. Versus

1. State Of Chhattisgarh Through Secretary Department Of School Education Mahanadi Bhavan, Atal Nagar, Raipur Chhattisgarh.
2. Chief Executive Officer, Janpad Panchayat, Baikunthpur , District - Korea Chhattisgarh.

----Respondents

For petitioner – Shri Ishan Verma, Advocate.
For State- Shri Avinash Singh, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/10/2019

1. Contention of the petitioner is that punishment has been imposed by order dated 3/02/2015 (Annexure P-1) whereby the increment and the payment has been stopped with cumulative effect. It is contended that under Rule 9 of the Chhattisgarh Panchayat Service (Discipline and Appeal) Rules, 1999 provide that without enquiry no penalty even minor penalty can be imposed.

2. Be that as it may, order is passed under the Act by the CEO, therefore under the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995 it would be appealable before the appropriate authority as per the rules. Order was passed in 2015. Petitioner do not care to challenge the same for four years. It is all of a sudden the petitioner has come out of the slumber and has shown emergency and has pressed for stay. Learned counsel further submits that the petitioner may be given liberty. This court cannot give the liberty by way to condone the delay for an appeal which may be filed before other forum. It is the respective forum which will

decide whether any sufficient cause has been shown to condone the delay or not. The petitioner after four years have preferred this petition, what is the continuance of cause of action it is to be appreciated by the appellate authority if appeal is preferred, therefore I am not inclined to entertain this petition on the ground that appellate remedy is available under the Rules.

3. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE