

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9389 of 2019**

- Ishwar Singh S/o Shri Modhan Singh Aged About 35 Years R/o Parri, Post - Badgaon Tahsil - Doundilohara, District : Balod, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya, Atal Nagar, Nawa Raipur, Chhattisgarh
2. The Collector Balod, District : Balod, Chhattisgarh
3. The Chief Executive Officer Janpad Panchayat, Doundilohara, District : Balod, Chhattisgarh

---- Respondents

For Petitioner : Mr. B.P. Singh, Advocate

For Respondents/ State : Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****19/11/2019**

1. The only grievance of the petitioner is that the petitioner was initially removed by an order dated 31.05.2018, which is subject to appeal before the Collector and the Collector by order dated 17.09.2018, reinstated the petitioner. It is contended that without any enquiry the petitioner has been removed vide order dated 24.07.2019. In the meanwhile, the petitioner was under the judicial custody, therefore, he could not file an appeal before the Collector, when the appeal was filed, the Collector without going into this fact has dismissed the appeal on the ground of limitation.
2. Learned counsel for the petitioner would submit that the order of the Collector is without jurisdiction and no application of mind would reflect and

on cursorily the appeal has been rejected, on the ground of limitation.

3. Perused the documents. Perusal of the document would show that the petitioner after his removal from the service has filed an appeal under Section 3 of the Chhattisgarh Panchayat (Appeal and Revision) Rules, 1999. The revision against the order of the appeal would lie before the Commissioner as per Rule 5, therefore, there being a statutory alternative remedy available, the petitioner may avail the remedy and file an appeal before the Commissioner.
4. It is further directed that the petitioner shall be at liberty to raise all the grounds before the Commissioner including the fact and the reasons for which the appeal could not be filed and it is expected that the respondent would take into the fact so as to advance the cause of natural justice.
5. If the revision is preferred against the order within a period of three weeks, the Commissioner shall decide the same within a period of 90 days.
6. The Registry is directed to return certified copy of the order, after retaining a photocopy of the same.
7. The writ petition accordingly stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge