

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10306 of 2019**

- Mathura Prasad Marshal, S/o Shri Kavilash Marshal Aged About 53 Years R/o Village, Post And Police Station Pachpedi, District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Department Of Panchayat, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur, Chhattisgarh.
2. Collector Bilaspur, District Bilaspur, Chhattisgarh.
3. Chief Executive Officer Zila Panchayat, Bilaspur, District Bilaspur, Chhattisgarh.
4. Chief Executive Officer Janpad Panchayat Khairagarh, District Rajnandgaon, Chhattisgarh
5. Sarpanch Gram Panchayat Bhaukunda, Janpad Panchayat Masturi, District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri S.K. Guha, Advocate
For Respondents/ State	:	Shri Ravish Verma, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****09/12/2019**

1. Heard.
2. The grievance of the petitioner is that the petitioner was suspended by order dated 29.10.2019 (Annexure P-1) in exercise of power under Panchayat Service (Discipline and Appeal) Rule, 1999 (For short "Rule, 1999").

Learned counsel for the petitioner would submit that the order has been passed by Additional Chief Executive Officer, therefore, the order is not effective and before passing the order no hearing was given to the petitioner.

3. Learned State counsel would submit that as per Section 15 of Rule, 1999 appeal is provided against the order of suspension or order of imposing penalties.
4. Perusal of Section 15 of Rule, 1999 would show that appendix has been provided for order against suspension and imposing of penalties. The appeal is provided to the specified authority as appellate authority being so there is an alternative statutory remedy is provided to the petitioner under the Rules, 1999. Therefore, I am not inclined to entertain the petition in exercise of power under article 226 of the Constitution of India.
5. With the aforesaid observation, the petition stands dismissed.

Sd/-

Goutam Bhaduri

Judge