

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2126 of 2020**

Lakhan Lal Banjare S/o Late Sita Ram Banjare Aged About 46 Years
Occupation Panchayat Secretary (Suspended), Janpad Panchayat
Fingeshwar, District Gariyaband, Chhattisgarh. R/o Ward No. 10 Village
Roba Police Station Fingeshwar, Tahsil- Rajim, District Gariyaband,
Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Panchayat And Rural Development Department, Mahanadi Bhawan Mantralaya, Nawa Raipur, District Raipur, Chhattisgarh.
2. The Director Panchayat And Rural Development Department, Indrawati Bhawan Nawa Raipur, District Raipur, Chhattisgarh.
3. The Collector District Gariyaband, Chhattisgarh.
4. The Chief Executive Officer Zila Panchayat Gariyaband, District Gariyaband, Chhattisgarh.
5. The Chief Executive Officer Janpad Panchayat Chhura, District Gariyaband, Chhattisgarh.

---- Respondents

For Petitioner : Mr. Jitendra Nath Nande, Advocate

For Respondents/State : Ms. Richa Shukla, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**ORDER****12.06.2020**

Heard

1. Challenge in this petition is to the order dated 15.04.2020 whereby suspension order has been passed under the Chhattisgarh Panchayat Service (Discipline & Appeal) Rules, 1999.
2. Perusal of the order *prima facie* shows that since it has been passed by the C.E.O. Zila Panchayat Gariyaband as per the Chhattisgarh Panchayat Service (Discipline & Appeal) Rules, 1999, appeal would be maintainable

against such suspension order. Rule 15 of the Rules, 1999 reads as under :-

“15. Appeals against order of suspension or orders imposing penalties-

(1) A member of the Panchayat Service may appeal against an order of suspension or an order imposing any penalty on him to the authority specified as appellate authority in the Appendix appended to these rules within a period of 90 (ninety) days from the date on which he receives the order:

Provided that the appellate authority may entertain an appeal after expiry of the said period if it is satisfied that the appellant has had sufficient cause for not submitting the appeal in time.

(2) Every person submitting an appeal shall do so separately and in his own name.

(3) The appeal shall be addressed to the authority competent to hear appeals and shall contain a material statements and arguments on which the appellant relies and shall not contain any disrespectful or improper language. A copy of the order appealed against shall invariably be enclosed with the Appeal.

(4) A copy of appeal shall also be send to the disciplinary authority, against whose order appeal is preferred.”

3. In view of this, the petitioner may prefer an appeal before the appellate authority as described under the Appendix of the Rules, 1999. Since alternative statutory remedy is available, I am not inclined to entertain this petition. Accordingly, the petition is dismissed. However, the petitioner would be at liberty to raise all the grounds before the appellate authority to challenge the suspension.

Sd/-
Goutam Bhaduri
Judge