

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2225 of 2020**

- Ravishankar Dansena, S/o Padum Ram Dansena, Aged About 32 Years R/o Tiwari Colony, Darbaritoli, Jashpur, District Jashpur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Secretary, Department Of Home, Mahanadi Bhawan New Mantralaya, New Raipur, District Raipur Chhattisgarh
2. Director General, Home Guard And Director Civil Defense Raipur, District Raipur Chhattisgarh
3. District Commandant, Nagar Sena, Ambikapur Chhattisgarh

---- Respondents

For Petitioner : Shri Anshul Tiwari, Advocate

For Respondents/State : Shri Amrito Das, Addl. AG

Hon'ble Shri Justice Goutam Bhaduri**Order****17/06/2020**

1. Heard.
2. Challenge in the present writ petition is to the order dated 14.05.2020 passed by the Divisional Commandant, Nagar Sena, Ambikapur, whereby the petitioner has been dismissed from the service. Rules attached along with the petition namely Chhattisgarh Home Guards Rules, 1947 (for short 'the Rules, 1947') provides alternative remedy of filing appeal to the petitioner. Rule 13 of the Rules, 1947 reads as under:-

“13. Appeal – (1) A Nagar-Sainik (Home Guard) other than an officer in respect of whom an order of suspension, reduction in rank or dismissal is passed, and an officer in respect of whom an order of suspension is

passed by any authority subordinate to the Provincial Government may within thirty days, appeal in the manner laid down in the standing orders to the authority immediately superior to the authority passing the order. Any order passed by the appellate authority in such appeal shall be final and no petition by way of revision or review shall lie to any authority in respect of any such appellate order.

(2) An officer in respect of whom an order of reduction in rank or dismissal has been passed by the Provincial Government may apply in review to the Provincial Government against such order and any order passed on such application shall be final.”

3. In view of the fact that the alternative remedy has been provided, the petitioner may prefer an appeal to the superior authority than the Divisional Commandant, Nagar Sena within a period of 30 days from today.
4. With the aforesaid observation, the writ petition stands disposed of.

SD/-

Goutam Bhaduri
Judge

Ashu