

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2224 of 2020**

- Ramesh Kumar Yadav S/o Shri Mahadev Yadav Aged About 49 Years Working As Secretary, Tarod Gram Panchayat, Akaltara, R/o Gram Nandeli, Post Kora, Tehsil Pamgarh, District- Janjgir Champa (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Panchayat And Rural Development, Mantralaya Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh
2. The Commissioner, Bilaspur Division Bilaspur, Chhattisgarh
3. The Chief Executive Officer Jila Panchayat, Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner : Shri Shivang Dubey, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****24/06/2020**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner was suspended by order dated 23.11.2019 (Annexure P-2) while he was working as Secretary, Tarod Gram Panchayat, Akaltara. The said suspension order was issued by Chief Executive Officer, Jila Panchayat (Respondent No. 3) against such suspension order the petitioner preferred an appeal under Section 91 of C.G. Panchayat Raj Adhiniyam, 1993, wherein the said suspension order was stayed by order dated 28.11.2019 (Annexure P-1) .

He further submits that even after the suspension order was stayed the petitioner is not allowed to resume his duty and the representation which was filed on 30.11.2019 is kept in abeyance thereby avoiding the statutory order passed by the higher authority. Therefore, Respondent No. 3 may be directed to decide the representation of the petitioner dated 30.11.2019 within a short period of time.

3. Learned State counsel has not disputed the existence of order dated 28.11.2019 (Annexure P-1) as of now.
4. Perusal of order dated 28.11.2019 (Annexure P-1) would show that the suspension order which was passed by Respondent No. 3 was stayed by Commissioner, Bilaspur. Irrespective of the fact about acceptance of it when the order is statutory one and by the Appellate Authority, Respondent No. 3 was obliged to follow the same or otherwise it may expose Respondent No. 3 of disobedience of statutory orders. Under the circumstances Respondent No. 3 is directed to decide the representation of the petitioner in pursuance to the order dated 28.11.2019 whereby the suspension order of the petitioner was stayed in its spirit & object. The consequences of stay of suspension would also follow. The order on representation is directed to be passed within a period of 2 weeks from the date of receipt of a copy of this order.
5. With the aforesaid observation, the petition stands disposed off.

Sd/-

Goutam Bhaduri
Judge