

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2635 of 2020**

- Tikaram Kurrey S/o Shri Resham Lal Kurrey Aged About 44 Years R/o Village Pandripali, Janpad Panchayat Bilaigarh, Police Station Sarsiva, District Balaudabazar, Bhatapara Chhattisgarh ---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat, Mantralaya, Mahanadi Bhavan, New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Chief Executive Officer District Panchayat Balaudabazar Bhatapara District Balaudabazar Chhattisgarh
3. The Deputy Director District Panchayat District Balaudabazar Chhattisgarh
4. The Chief Executive Officer Janpad Panchayat Bilaigarh, District Balaudabazar Chhattisgarh. ---- **Respondents**

For Petitioner	:	Mr. Avadhesh Mishra, Advocate
For State	:	Mr. Ayaz Naved, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****10/07/2020**

1. Heard
2. The grievance of the petitioner in this case is that the petitioner was initially suspended while he was working as a Secretary of the Gram Panchayat Pandripali Janpad Panchayat Bilaigarh C.G. He was suspended by an order dated 03.01.2006 (Annexure P/2). Since the petitioner was not served with any chargesheet for 5 years and thereafter, this Court in a Writ Petition(S) No. 1449/2008 by an order dated 28.03.2011 quashed the order of suspension dated 03.01.2006 and observed that the petitioner would be entitled for all consequential

benefits following the quashment of the said suspension order.

3. Learned counsel for the petitioner submits that in the meanwhile, the petitioner had filed a Contempt Petition No. 418/2011, however, the same was withdrawn with a liberty to move a duly constituted contempt petition. In the meanwhile, he was dismissed from his services from the post of Secretary Gram Panchayat Pandripali by an order dated 25.04.2007. It is also contended that the petitioner was not in know of the said termination and eventually on 14.06.2012 he filed an appeal before the Court of Collector Balodabazar, Bhatapara. The Collector Balodabazar Bhatapara by an order dated 07.07.2013 rejected the appeal of the petitioner on the ground of delay. Being aggrieved by the order of Collector, a writ petition WP(227) No. 5112/2014 was preferred before this Court and this Court by an order dated 15/07/2014 directed the Court of Collector to decide the appeal on merits. Subsequently, the Collector thereafter by an order dated 11.09.2017 (Annexure P/5) condoned the delay and observed that the appeal would lie before the learned competent Court Sub Divisional Officer (Revenue) Bilaigarh Distt. Balodabazar-Bhatapara(C.G.).
4. Learned Court of Sub Divisional Officer (Revenue) Bilaigarh Distt. Balodabazar-Bhatapara(C.G.) under Appendix 5 of Chhattisgarh Panchayat Service (Discipline and Appeal) Rules, 1999 heard the appeal being the appellate authority and set-aside the order of termination vide Annexure P/6. It is further contended that the said order of the SDO is not being implemented.
5. Perused the record. It shows that the order of termination was eventually set-aside by order of the SDO on 07.02.2019 in appeal No. 9A/89/2017-18. Apparently it appears that, the said order of reinstatement is not a

subject of further challenge before the appellate authority, thereby attained its finality. The document Annexure P/11 i.e. the last representation which was filed on 12.06.2020 would show that the petitioner has not been reinstated and he has filed an application to decide his representation.

6. Rule 17 of Chhattisgarh Panchayat Service (Discipline and Appeal) Rules, 1999 purport that the authority which made the order of appealed against shall give effect to the orders passed by the appellate authority. For the sake of brevity the rule is quoted below:-

“17.Implementation of orders in appeal:- The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.”

7. Therefore, under the Appendix since appellate authority of the Gram Panchayat for major penalty is the SDO Revenue and the SDO has passed the order of reinstatement on 07.02.2019, therefore the Gram Panchayat is required to follow the order of appellate authority, since it appears that the Gram Panchayat has not followed the order of appellate authority.
8. In view of these existing facts, the respondent No. 2 is directed to issue the necessary orders pursuant to the necessary order for reinstatement along with the benefits accrued to the petitioner pursuant to the orders of the SDO dated 07.02.2019 (Annexure P/6) passed in Appeal No. 9-A/89/2017-18 within a period of 45 days from the date of receipt of copy of this order.
9. With the aforesaid directions/ observations, the writ petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge