

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3651 of 2020

Shiv Kumar Sahu S/o Shri Premal Sahu Aged About 42 Years R/o House No. 129/1, Harijan Mohalla, Village And Post- Pendri, Police Station And Tahsil- Janjgir, Civil And Revenue District- Janjgir-Champa, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, New Raipur District Raipur, Chhattisgarh
2. Additional Commissioner, Bilaspur Division Bilaspur, Civil And Revenue District- Bilaspur, Chhattisgarh
3. Collector, Janjgir District- Janjgir-Champa, Chhattisgarh
4. Chief Executive Officer Jila Panchayat Janjgir, District Janjgir-Champa, Chhattisgarh
5. Chief Executive Officer Janpad Panchayat Nawagarh, District- Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ramesh Kumar Nayak, Advocate
For State	:	Ms. Richa Shukla, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

24.09.2020

Heard

1. Learned counsel for the petitioner would submit that the petitioner was working as Secretary and on a complaint of the villagers, he was suspended on 23.03.2017 (Annexure P-6), which was subject of challenge in WPS No.1590 of 2017 wherein this Court on 06.10.2017 has passed an order with a direction to reconsider the revocation of the petitioner's suspension in view of the judicial pronouncement of the Supreme Court in case of *Ajay Kumar Choudhary v. Union of India* reported in (2015) 7 SCC 291. He would submit thereafter the petitioner

was terminated by the order of the C.E.O. Zila Panchayat, Janjgir, Respondent No.4. Since the order was passed by the Zila Panchayat Janjgir, the petitioner filed an appeal under Rule 3 of the Chhattisgarh Panchayat (Appeal & Revision) Rules, 1995 (for short "the Rules, 1995"). The Commissioner by an order dated 07.03.2019 had set aside the order of termination and remanded the case back to the C.E.O. Zila Panchayat whereby the termination was set aside. He would submit that again instead of compliance of the said order, the C.E.O. Zila Panchayat filed an appeal before the Secretary, Department of Panchayat & Rural Development by Annexure P-14 though the appeal was not tenable according to the Rules, 1995. He would submit that the petitioner has in such proceeding filed his written submission also on 27.02.2020, however, the proceedings are not been finally decided. It is further submitted that despite the order, the C.E.O. Zila Panchayat has not paid the salary to the petitioner from the date of his termination with the consequential benefits. Therefore, the Secretary before whom the proceedings are pending at the behest of the C.E.O. Zila Panchayat may be directed to decide the same within a limited time.

2. Learned State counsel would submit that the entire dispute was at the behest of the respondent No.4, C.E.O. Zila Panchayat Janjgir.
3. Heard learned counsel appearing for the parties and perused the documents.
4. The documents attached with this petition would show that the termination order was set aside by the Commissioner and the case was remanded back by the order dated 07.03.2019 in Appeal No. 03 A-89/2017-18 (Annexure P-13) to hear afresh. The said order of Commissioner was subject of challenge at the behest of the respondent No.4 before the Secretary, Department of Panchayat & Rural

Development. It is not clear at this stage as to whether the stay was granted in respect of the order dated 07.03.2019 whereby termination was set aside. If the stay is not operative then in such case the respondent No.4 was duty bound to comply the order of the appellate authority. The Zila Panchayat since has challenged the order of the Commissioner, which is pending before the Secretary (Annexure P-14) and the document would show that the appeal was preferred, but this Court has it's own doubt as to whether such right to appeal is available or not instead of revision. However, without going into such issue, at this stage, it is directed that the respondent No.1, Secretary, Department of Panchayat & Rural Development, who is working on behalf of the State, shall decide the proceeding which is pending at the behest of the respondent No.4, C.E.O. Zila Panchayat Janjgir within an outer limit of 60 days from the date of receipt of a copy of this order.

5. With the aforesaid observation/direction, the writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Aks