

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4143 of 2020**

- Prasann Kumar Bhatpahre, aged about 41 years, S/o Shri Ramnath, R/o Village Konchara Gram Panchayat Mitthu Navagaon, Tahsil- Kota, Civil and Revenue District Bilaspur (C.G.)

---Petitioner**Versus**

- 1.State of Chhattisgarh, Through The Secretary, Department of Panchayat, Capital Complex, Mahanadi, Bhawan, Atal Nagar, Nava Raipur, Civil & Revenue District Raipur (C.G.)
- 2.Zila Panchayat, Bilaspur, through its Chief Executive Officer, Civil and Revenue District Bilaspur (C.G.)
- 3.Janpad Panchayat, Kota, though its Chief Executive Officer, Kota, Civil and Revenue Distict Bilaspur (C.G.)

--- Respondents

For Petitioner :- Mr. Rohitashwa Singh, Advocate
 For State :- Ms. Richa Shukla, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order****16/10/2020**

1. Heard.

2.Learned counsel for the petitioner would submit that the petitioner was terminated by order dated 22.06.2018 as Annexure P/7. He was working as Gram

Rojgar Sahayak at Village Panchayat Mitthu, Navagaon. It is contended that soon after his termination, the petitioner could not avail the remedy available to him under the law for the reason that his son was suffering with cancer and he had to take his son for Chemo Therapy frequently to Raipur, and eventually he died. Under these circumstances, the petitioner could not file Statutory appeal before the Competitive Authority. Therefore, this Court may invoke the writ jurisdiction under Article 226 of the Constitution of India.

3. Learned State counsel opposed the argument and submits that since the alternatives of this case are available, this petition would not be maintainable.
4. Heard learned counsel for both the parties and perused the documents.
5. Undoubtedly, the petitioner has alternative remedy available under Chhattisgarh Panchayat (Appeal and Revision) Rules, 1995, this provides that against the order of termination of the like nature, which is passed by the C.E.O., Janpad Panchayat Kota, the appeal would lie before the Collector.

6. The documents filed along with this petition would show that the son of the petitioner was suffering from cancer and he was treated at Bhimrao Ambedkar Memorial Hospital Raipur. Being so it is obvious that the entire concentration of the petitioner was on to providing treatment and medical aid to his ailing son.

7. Under these circumstances, since the alternative remedy is available with the petitioner and facts would need the evaluation of facts, the petitioner is given liberty to file an appeal before the Collector within a period of 45 days from today along with the necessary documents under Chhattisgarh Panchayat (Appeal and Revision) Rules, 1995.

8. Delay, therefore, would stand condoned, if the remedy of filing an appeal is available within the specific period.

9. With the aforesaid observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Vijay Sahu