

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 406 of 2020**

- Rajkumar Parkar S/o Kishan Lal Parkar Aged About 41 Years Assistant Revenue Inspector, Nagar Panchayat Gurur, R/o Ward No.13, Post Office And Police Station Gurur, District Balod, Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Urban Administration And Development Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur, Chhattisgarh.
2. Director Directorate Urban Administration And Development Department, Indravati Bhawan, Raipur, District Raipur, Chhattisgarh.
3. Collector Balod, District Balod, Chhattisgarh.
4. Chief Municipal Officer Nagar Panchayat Gurur, District Balod, Chhattisgarh.
5. President Nagar Panchayat Gurur, District Balod, Chhattisgarh.

--- Respondents

For Appellant	:	Mr. Shrawan Agrawal, Advocate.
For State	:	Mr. Vikram Sharma, Dy. G.A., on advance copy.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****05/11/2020**

1. Heard on admission.
2. This appeal is directed against order dated 07.10.2020 passed by the learned Single Judge dismissing writ petition with the observation that the petitioner has alternative remedy against the order of termination.
3. Learned counsel for the appellant would argue that the petitioner had approached this Court, not aggrieved by any inaction in decision of appeal but inaction of the Chief Municipal Officer in not taking any decision on petitioner's representation dated 31.07.2020 for placing petitioner's representation before the President in Council (PIC) for review, reconsideration/cancellation of the resolution on the basis of which the services of the petitioner were terminated as a measure of disciplinary action. He submits that in view of provision contained in Section 65 of the C.G. Municipalities Act, 1961, the Chief Municipal Officer was obliged under the law to place the representation before

the President in Council (PIC) for modification/cancellation, which power has been expressly conferred on PIC under Section 65 of the C.G. Municipalities Act, 1961.

4. After hearing learned counsel for the appellant, we are not at all satisfied with the submission. The learned Single Judge has taken a view, rightly so, that the dismissal of the petitioner is a statutory exercise and there exists a statutory alternative remedy. The appellant himself has clearly averred in para-13 of the memo of appeal that the order of termination is appealable under the Chhattisgarh Municipal Employees (Recruitment and Conditions of Service) Rules, 1968. In view of aforesaid clear legal position, the petitioner can not seek issuance of mandamus for decision of representation against an order of dismissal, which is statutory order against which there exists a statutory alternative remedy. The writ petition was apparently utterly misconceived and has rightly been dismissed.
5. There is no merit in this appeal and is accordingly dismissed, however, reserving the liberty which has been granted to the appellant by the learned Single Judge.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge