

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.6242 of 2011**

- Digree Lal Arya, S/o Shri Nakul Ram, aged about 32 years, R/o Reddy Bara, Nav Durga Chowk, Raja Talab, Distt Raipur (C.G.)

----- Petitioner**Versus**

- 1.State Of Chhattisgarh through the Secretary, Department of Panchayat and Rural Development, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
- 2.zila Panchayat Raipur, through the Chief Executive Officer, Zila Panchayat Raipur (C.G.)

----- Respondents

For Petitioner	Mr. Aniket Verma, Advocate
For Respondent-State	Mr. Animesh Tiwari, Dy. AG
For Respondent No.2	Mr. Manish Nigam, Advocate

Hon'ble Justice Shri Sanjay K. Agrawal**Order On Board****20/09/2021**

1. The petitioner herein calls in question the order dated 11.08.2011 (Annexure-P/1) passed by the respondent No.2, by which the petitioner's services on the post of Shiksha Karmi Grade-I (Acharya) has been terminated. The petitioner also challenges the order dated

13.06.2011 (Annexure-P/2) passed by the respondent No.1, whereby the direction has been issued regarding the eligibility criteria for Shiksha Karmi grade-I in the concerned subjects, upon which the order (Annexure-P/1) has been passed, whereby the petitioner's services on the post of Shiksha Karmi Grade-I (Acharya) has been terminated.

2. Mr. Aniket Verma, learned counsel for the petitioner, would submit that under Rule 10 of the Chhattisgarh Panchayat Shiksha Karmi (Recruitment and Conditions of Services) Rules, 2007 (for short 'the Rules, 2007'), the General Administrative Standing Committee of the Zila Panchayat or Janpad Panchayat is the Disciplinary Authority for major punishment and the CEO of the concerned Panchayat is the Disciplinary Authority for minor punishment, therefore, the petitioner's Disciplinary Authority is the General Administrative Standing Committee, Jila Panchayat, Raipur, whereas the petitioner has been terminated by the CEO, Jila Pachayat without jurisdiction and without authority of law.

3. Mr. Animesh Tiwari, learned State counsel and Mr. Manish Nigam, counsel for the respondent No.2 would submit that the alternative remedy is available to the petitioner under the provisions of the Adhiniyam, therefore, the writ petition deserves to be dismissed.
4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
5. True it is that the alternative remedy is available to the petitioner, but this writ petition was entertained on 19.10.2011 and is pending for last about 10 years, therefore, it would not be expedient to relegate the petitioner to the alternative remedy, as such it is overruled particularly keeping in view that the order passed by the CEO, Jila Panchayat, Raipur is without jurisdiction and without authority of law, as the Disciplinary Authority of the petitioner is the General Administrative Standing Committee, Jila Panchayat, Raipur under Rule 10 of the Rules, 2007. Accordingly, the order dated 11.08.2011

(Annexure-P/1) passed by the respondent No.2, the CEO, Jila Panchayat, Raipur is hereby quashed. However, the respondents are at liberty to proceed in accordance with law.

6. The petitioner is reinstated in service with all consequential benefits except back wages. The issue of back wages will be considered by the Jila Panchayat, Raipur within 45 days from the date of receipt of copy of this order after considering all the relevant facts of the matter.
7. The writ petition is allowed to the extent indicated herein-above. No order as to cost (s).

Sd/-

Sanjay K. Agrawal
Judge

Nirala