

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No. 596 of 2021

1. Manharan Lal Kashyap, S/o. Shri Ramvishal Kashayap, Aged About 46 Years, Panchayat Secretary Of Village Panchayat Budena, R/o. Village Aourid Janpad Panchayat Nawagarh, Tahsil Nawagarh, District Janjgir Champa, Chhattisgarh.
2. Smt. Yogeshwari Yadav, W/o. Shri Atul Yadav, Aged About 37 Years, Officiating Sarpanch Of Village Panchayat Budena, R/o. Village Budena, Janpad Panchayat Nawagarh, Tahsil Nawagarh, District Janjgir Champa Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
2. The Collector, Janjgir Champa, District Janjgir Champa, Chhattisgarh.
3. The Chief Executive Officer, Zila Panchayat Janjgir, District Janjgir Champa Chhattisgarh.
4. Sub Division Officer (R) Janjgir, District Janjgir Champa, Chhattisgarh.
5. The Chief Executive Officer, Janpad Panchayat Nawagarh, District Janjgir Champa Chhattisgarh.
6. Rajeshwar Kashyap, S/o. Manohar Kashyap, Aged About 32 Years, R/o. Village Budena, Janpad Panchayat Nawagarh, Tahsil Nawagarh, District Janjgir Champa Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. Jitendra Nath Nande, Advocate
For State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.02.2021

Heard

1. Learned counsel for the petitioners submits that the respondent No.6 was suspended by the order dated 29.10.2020 in exercise of power under Section 39 of the C.G. Panchayat Raj Adhiniyam, 1993. Subsequently, the suspension has been revoked and the proceeding under Section 40 of the C.G. Panchayat Raj Adhiniyam has been dropped by the order dated

06.01.2021 by the S.D.O. and the S.D.O. has no power to pass such order to drop the proceeding.

2. Learned counsel appearing for the State respondents would submit that in earlier round of litigation since the order of suspension was subject of challenge by Rajeshwar Kashyap/ respondent No.6, this Court by order dated 15.12.2020 (Annexure P-14) has observed that he may avail the alternative remedy and the same analogy has been applied in this case also.
3. In view of the submissions made, if one statutory yardstick has been adopted as against the respondent No.6, the same would be applicable against the petitioner; therefore, the petitioners may avail the alternative remedy, if so advised. Accordingly, the petition is dismissed. Registry is directed to return the certified copy of the order impugned after retaining the photocopy of the same.

Sd/-
(Goutam Bhaduri)
Judge

Aks