

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2346 of 2021

Gajendra Manjhi, S/o. Shri Har Ram Manjhi, Aged About 33 Years, R/o. House No. 81, Ward No. 04, Village - Mungiya, Tehsil And P.S. Deobhog, District Gariyaband Chhattisgarh, Presently Working As Sarpanch, Gram Panchayat Mungiya, Tehsil And P.S. Deobhog, District Gariyaband Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Its Secretary, Department Of Panchayat And Rural Development Mantralaya, Mahanadi Bhawan, Atal Nagar Naya Raipur, District Raipur Chhattisgarh.
2. Collector Gariyaband, District Gariyaband Chhattisgarh.
3. Sub Divisional Officer (Revenue) Deobhog, District Gariyaband Chhattisgarh.
4. Chief Executive Officer, Janpand Panchayat Deobhog, District Gariyaband Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Pawan Shrivastava, Advocate
For State	:	Mr. Siddharth Dubey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

ORDER

16.06.2021

Heard

1. Challenge in this petition is to the order dated 31.03.2021 passed by the S.D.O. Deobhog whereby the petitioner has been removed under Section 40 of the Chhattisgarh Panchayat (Appeal & Revision) Rules, 1995.
2. Learned counsel for the petitioner submits that the order was passed on 31.03.2021 and the certified copy was provided on 12.04.2021, thereafter, because of the lock-down, he could not file an appeal and has filed this petition before this Court on 16.05.2021 as movement was restricted during the pandemic lock-down.
3. State counsel submits that an alternative statutory remedy of filing the appeal is provided under Section 3(a) of the Chhattisgarh Panchayat (Appeal & Revision) Rules, 1995.
4. Considering the fact that the order is passed by the S.D.O., the petitioner may prefer an appeal within three weeks from today before the Collector as the

reasons as stated because of the lock-down the appeal could not be filed appears to need positive consideration. It is further observed if the appeal is filed the Collector shall decide the appeal in accordance with law.

5. With the aforesaid observation, the writ petition stands disposed off.
6. Certified copy of Annexure P-1 be returned to the petitioner after retaining the photocopy of the same.

Sd/-
(Goutam Bhaduri)
JUDGE

Aks