

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3025 of 2021

- Suryakant Sao S/o Late Kedar Prasad Sao Aged About 33 Years Incharge Sarpanch, Gram Panchayat Sirsakhurd, Tahsil And District Durg R/o Ward No. 19, Village Sirsakhurd, Tahsil And District Durg Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. Collector Durg District Durg Chhattisgarh
3. Sub Divisional Officer (R) Durg District Durg Chhattisgarh
4. Janpad Panchayat Durg Through Its Chief Executive Officer, Janpad Panchayat Durg District Durg Chhattisgarh
5. Santosh Nishad S/o Baldev Nishad Aged About 46 Years R/o Village Sirsakhurd, Tahsil And District Durg Chhattisgarh

---- Respondents

For Petitioner	:	Shri Rajeev Shrivastava, Senior Advocate with Shri Malay Shrivastava, Advocate
For State	:	Shri Ashish Tiwari, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.07.2021

Heard

1. Learned counsel for the petitioner submits that on a report of the different Panchas an enquiry was opened against Respondent No. 5 namely Santosh Nishad and the committee which enquired into the matter found that certain allegations were proved which includes financial irregularities. Pursuant thereto order dated 04.03.2021 (Annexure P-6) was passed by the SDO . Thereafter against such order Respondent No. 5, Santosh Nishad filed an appeal before the Collector and the Collector vide order dated 14.06.2021 (Annexure P-1) stayed the effect and operation of order dated 04.03.2021 and subsequently again passed the stay order dated 09.07.2021 by Annexure P-2. He would submit that the order dated 14.06.2021 and the order dated 09.07.2021 is antedated and no reason has been assigned therefore that may be quashed.

2. Perused the documents.
3. Perusal of the documents shows that appeal is already pending before the Collector by Annexure P-1, therefore as statutory appellate remedy has already been availed by Respondent No. 5. Therefore this Court will not exercise its parallel jurisdiction on the same issue. Even otherwise the petitioner if so advised may file an revision under C.G. Panchayat Raj Adhiniyam, 1995. Considering the fact that the appeal is already pending before the Collector, Durg, it is directed that Collector Durg shall decide the appeal preferred by the Respondent No. 5 within a reasonable time within a outer limit of 90 days.
4. With the aforesaid observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti