

HIGH COURT OF CHHATTISGARH, BILASPUR

Rev.P. No.201 of 2019

- Mukhi Ram S/o Bhikha Ram Aged About 50 Years R/o Batara, Tahsil Pali, District - Korba Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat Department, D. K. S. Building, Raipur, Chhattisgarh
2. The Director Panchayat And Social Welfare, Chhattisgarh, Raipur, Chhattisgarh
3. The Deputy Director, Panchayat And Social Welfare, Korba, Chhattisgarh
4. The Collector (Panchayat Branch) Korba, Chhattisgarh
5. The Chief Executive Officer, Janpad Panchayat, Pali, District Korba Chhattisgarh
6. The Sarpanch, Gram Panchayat Batra, Tahsil Pali, District - Korba Chhattisgarh

---- Respondents

For Petitioner	– Mr. Punit Ruparel, Advocate.
For State	– Mr. Sudeep Verma, Dy. Govt. Advocate.
For Respondents No.5 & 6	– None.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-12-2021

Heard.

1. This petition has been brought praying for review of the order dated 24.07.2017 passed in W.P. No.806 of 2005 by the Single Bench. It is submitted by the learned counsel for the petitioner that in W.P. No.806 of 2005, the petitioner had raised the issue that the petitioner, who was appointed as and working as Secretary of Gram Panchayat, Batara was removed vide order dated 15.09.2003 passed by Chief Executive Officer Janpad Panchayat, Pali (respondent No.5), which was in clear violation

of Rule 7 of Chhattisgarh Panchayat Service (Discipline and Appeal) Rules, 1999 (in short 'the Rules, 1999). This Court has in the case of Dhaluram Kosaria Vs. State of C.G. & Others reported in 2006 (2) C.G.L.J. 186 clearly held that in such a case, the applicability of Rule 7 of the Rules, 1999 is explicit. It is then similarly held in the case of Kailash Kumar Parmanand Dangi vs State Of M.P. And Others reported in 1999 (2) MPLJ 722. It is submitted that the learned Single Bench has without considering on this legal provision, passed the impugned order.

2. It is submitted that the petitioner had preferred Writ Appeal No.391 of 2017, which has been disposed off vide order dated 01.07.2019 granting liberty to the petitioner to move appropriate petition before the learned Single Bench. Hence, this Review Petition has been filed.
3. Learned State counsel representing respondents No.1 to 4 opposes the submissions and submits that the learned Single Bench has rightly dismissed and disposed off the petition mentioning that the petitioner has not challenged the action of Gram Panchayat by which, he has been terminated from the Office of Panchayat Karmi. Therefore, without challenging the action of the Panchayat, the challenge to the orders of removal of the petitioner cannot sustain.
4. Considered on the submissions. The Rule 7 of the Panchayat Service (Recruitment and General conditions of Services) Rules, 1999 is as follows:-

7. Methods of recruitment.-(1) Recruitment to the Panchayat Service or to a post or class of posts shall be made by the following methods:-
 - (a) By direct recruitment, by written examination or interview or by both;
 - (b) By promotion of a person employed the Panchayat service;
 - (c) By transfer on deputation of a person serving in connection with the affairs of any local authority or of the State Government;

and

(d) By transfer of persons who hold in a substantive capacity such posts in such services as may be specified in this behalf.

(2) The number of persons recruited under clause (b) of sub-rule (1) shall not at any time exceed the percentage shown in Schedule-II of the number of duty posts as specified in Schedule- I.

(3) Subject to the provisions of these rules, the method or methods of recruitment to be adopted for the purpose of filling any particular vacancy or vacancies in the service as may be required to be filled during any particular period of recruitment, and the number of persons to be recruited by each method, shall be determined on each occasion by the Appointing Authority in consultation with General Administration Committee of the Panchayat.

(4) Notwithstanding anything contained in sub-rule (1), if in the opinion of the appointing authority, the exigencies of service so require, the appointing authority may with the prior permission of the prescribed authority may adopt such other methods of recruitment other than those specified in the said sub-rule.”

5. The rule quoted by the petitioner, claiming that this rule has not been considered is by itself mis-conceived, as this rule provides for methods of recruitment, which is elaborated accordingly. This rule does not provide for the procedure to be conducted for removal of any Panchayat Karmi from services.
6. On the basis of this discussion made hereinabove, there appears to be no ground present as required under Order 47 Rule 1 of C.P.C. and also in accordance with the Rule 90 of the C.G. High Court Rules 2007 for granting review to the petitioner. Therefore, this review petition is dismissed and disposed off.
7. Accordingly, this petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge