

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5080 of 2020**

Tuleshwar Kumar Sahu S/o Shri Rohit Kumar Sahu, Aged About 34 Years, Post Rojgar Sahayak, R/o Village Bhedni, Post Saldha, Block Berla, Tahsil Berla, District Bemetara, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh
2. District Programme Coordinator, Berla/ Collector, District Bemetara Chhattisgarh
3. Chief Executive Officer, Zila Panchayat, Bemetara, District Bemetara Chhattisgarh
4. Chief Executive Officer, Janpad Panchayat, Berla, District Bemetara Chhattisgarh
5. Gram Panchayat, Berla, Through Secretary, Berla, District Bemetara Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Vivek Shrivastava, Advocate
For State	:	Mr. Sudeep Verma, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****12.01.2021**

1. The petitioner in the present writ petition was a Rojgar Sahayak who

stood terminated from service vide order dated 14.01.2016. The petitioner thereafter preferred a writ petition i.e. WPS No. 932/2016 which was disposed of on 12.04.2016 directing the petitioner to approach the appellate authority i.e. the Collector, District Bemetara challenging the order of removal. Subsequent to which the petitioner preferred an appeal before the Collector who in turn rejected the appeal vide order dated 11.08.2016. The petitioner thereafter again preferred a writ petition i.e. WPS No. 5235/2016 before the High Court which stood dismissed directing the petitioner to approach the second appellate authority i.e. the Divisional Commissioner. However, thereafter it appears that the petitioner has not approached the Commissioner and has now filed the repeat writ petition before this Court in the light of certain developments that have transpired and the information collected by the petitioner under the Right to Information Act.

2. All said and done, the order of this Court in WPS No. 5235/2016 directing the petitioner to approach the second appellate authority i.e. the Commissioner stands in operation even now and without availing the said remedy the repeat writ petition would not be sustainable.
3. Given the said factual matrix, the present writ petition at this juncture stands disposed of reserving the right of the petitioner to approach the Commissioner by way of an appeal with a suitable application for condonation of delay that has occurred. On such appeal being filed along with an application for condonation of delay, the Commissioner is expected to take a decision in accordance with law taking into

consideration all the factual matrix of the case at the earliest.

4. The writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**