

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 347 of 2021**

Vishnu Prasad Sunhale, S/o Late Shri Ganesh Ram Sunhale, Aged about 35 years, R/o Village-Neur, Tehsil-Pandariya, P.S. Kukdur, District Kabirdham (C.G.)

---- Appellant**Versus**

1. State of Chhattisgarh Through the Secretary, Panchayat and Rural Development Department, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Raipur (C.G.)
2. Chief Executive Officer, Zila Panchayat, Kabirdham, District-Kabirdham (C.G.)
3. Sub Divisional Officer (Revenue), Pandariya, District-Kabirdham (C.G.)
4. Janpad Panchayat, Kabirdham Through the Chief Executive Officer, Kabirdham, District-Kabirdham (C.G.)

---- Respondents

(Cause-title taken from Case Information System)

For Appellant	:	Mr. Prateek Sharma, Advocate.
For Respondents No. 1 & 3	:	Mr. Vikram Sharma, Deputy Government Advocate.

Hon'ble Shri Arup Kumar Goswami, Chief Justice**Hon'ble Shri Arvind Singh Chandel, Judge****Judgment on Board****Per Arup Kumar Goswami, Chief Justice****11.11.2021**

Heard Mr. Prateek Sharma, learned counsel for the appellant.

Also heard Mr. Vikram Sharma, learned Deputy Government Advocate appearing for respondents No. 1 and 3.

2. This appeal is preferred against the order dated 20.10.2021 passed by Single Bench in Writ Petition (S) No. 5547 of 2021, whereby the learned Single Judge declined to entertain the writ petition in view of availability of alternative remedy under Rule 15 of the Chhattisgarh Panchayat Service (Discipline and Appeal) Rules, 1999 (for short, 'Rules, 1999').

3. The appellant was suspended by an order dated 06.09.2021 by the respondent No. 2 / Chief Executive Officer of Jila Panchayat, Kabirdham. Challenging the aforesaid order of suspension, the writ petition was filed on various grounds.

4. That an appeal lies under Rule 15 of the Rules of 1999 is an admitted position. When the learned Single Judge has declined to exercise power under Article 226 of the the Constitution of India in view of availability of adequate alternative remedy, in the facts of the present case, we are not inclined to interfere with such an order of the learned Single Judge, and therefore, the writ appeal is dismissed. No cost.

5. However, we may observe that if an appeal is preferred by the appellant within a period of 15 days, the same shall be disposed of as expeditiously as possible and at any rate, within a period of 60 days.

Sd/-
(Arup Kumar Goswami)
Chief Justice

Sd/-
(Arvind Singh Chandel)
Judge