

(2019) 09 CHH CK 0186
Chhattisgarh High Court
Case No: WPC No. 3514 Of 2019

Barsati Lal Verma

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Sept. 30, 2019

Acts Referred:

- Panchayat Raj Adhiniyam, 1993 - Section 91
- Chhattisgarh Panchayat (Appeal & Revision) Rules, 1995 - Rule 3

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: Ashutosh Mishra, Priyank Rathi

Final Decision: Disposed Of

Judgement

Goutam Bhaduri, J

1. Heard.

2. Learned counsel for the petitioner would submit that the petitioner has been suspended by order dated 04.09.2019 (Annexure P-1) for not following the guidelines of 14th Finance Commission.

3. It is contended that in response to the complaint made, the enquiry was conducted and during enquiry it was found that there has been some technical glitch occurred with respect to the infrastructure and was alleged certain guidelines were not followed. Learned counsel for the petitioner would submit that an enquiry was conducted and after enquiry it was found that no financial irregularities have been committed, which would be evident from the report of the team of three enquiry officers. It is further submitted that only because some person is not satisfied, it will not make out

a case so that the petitioner can be subjected to suspension.

4. Per contra, learned State counsel opposes the arguments advanced by learned counsel for the petitioner and would submit that the alternative

remedy of filing an appeal under Section 91 of the Panchayat Raj Adhiniyam, 1993 read with Rule 3 of the Chhattisgarh Panchayat (Appeal &

Revision) Rules, 1995 is provided, therefore, this petition is not maintainable.

5. Perused the documents. Specially Annexure P-8 and the enquiry report. The petitioner may agitate these grounds too before the appellate authority.

Considering the same, the liberty is granted to the petitioner to file necessary appeal before the appropriate authority against the order dated

04.09.2019 (Annexure P-1). The petitioner, if so advised, may file such appeal within a period of one week before the appellate authority. In the

meanwhile, there shall be stay of the order dated 04.09.2019 (Annexure P-1) for a period of three weeks.

6. With the aforesaid observation, the writ petition stands disposed of.