

(5)

C.F. 100-0

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P. No. 1304 of 2001

BETWEEN

Mansa Ram aged about 29 years, S/o. Samaru Sahish,
Resident of village Salkhan, P.S. Seorinarayan,
District Janjgir Champa.

PETITIONER

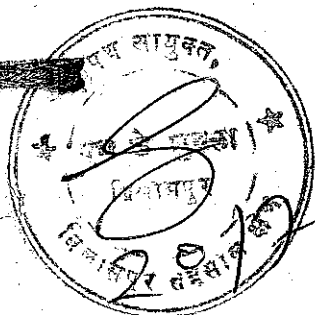
AND

P.R. No. 1344/01
Presented by Ehrishat Singh
dated 27.2.2001

1. The State of Chhattisgarh, through the Secretary
Department of Panchayat, Mantralay D.K. Building
Raipur
2. The Collector,
Janjgir-Champa, District Janjgir-Champa.
3. Kalindram, Up Sarpanch,
Gram Panchayat Salkhan, Tahsil Nawagarh
District Janjgir Champa.

RESPONDEES

WRIT PETITION UNDER ARTICLES 226/227 OF THE
CONSTITUTION OF INDIA



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आदेश पत्रक

मामला क्रमांक W.P. 1304 सन् 2001

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
<p>31-10-2001 :</p> <p>31-10-2001 :</p>	<p><i>Shri Awadh Tripathi learned counsel for the petitioner.</i></p> <p><i>Mr. Deep Kesharwani learned panel lawyer for the State.</i></p> <p><i>The petitioner while serving as Sarpanch was suspended by order dated 25.1.2001. The law requires that such order of suspension issued by S.D.O has to be confirmed by the State within 90 days. The period of 90 days of suspension expired without any confirmation from the Competent State Authority. Hence the order of suspension was revoked on 7.6.2001 by the S.D.O. Thereafter for the second time on 19.7.2001 another order of suspension was issued in respect of the same allegations. The offence alleged is under section 376 of the Indian Penal Code. According to Shri Kesharwani, the second order of suspension issued on 19.7.2001 is a valid one inasmuch as the said order of suspension was issued after the charge was framed against the writ petitioner. The matter is now pending before the Additional Sessions Judge Janjgir. Even in respect of second order of suspension no order of confirmation has been issued till date. It is contended that in fact the earlier order of suspension was illegal. If the submission is correct then someone somewhere should be held responsible. As a matter of fact, the consequence of the order of suspension was suffered fully and completely by the petitioner only. He can not be made to suffer time and again for the fault of certain State authorities.</i></p> <p><i>Shri Kesharwani submits that once the charge has been framed under section 376 of the Indian Penal Code, no person can be allowed to hold the post of Sarpanch. In the present case, unfortunately what should have been done, by the competent authority, was not done.</i></p>	<p>—2</p>

[पाठ देखें]

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><i>In my view the order of suspension issued on 19.7.2001 after the earlier order of suspension issued on 25.1.2001 was revoked, is not only unfair but unreasonable also.</i></p> <p><i>In the facts and circumstances of the case and after hearing Shri Awadh Tripathi learned counsel for the petitioner as well as Shri Deep Kesharwani learned counsel for the State, this petition is allowed. The impugned order of suspension issued for the second time on 19.7.2001 by the SDO is set-aside.</i></p>	<p>Sd/- Chief Justice</p>