
(2007) 04 OHC CK 0053
In the Orissa High Court

Anita Sahoo

APPELLANT

Vs

State of Orissa and Others

RESPONDENT

Date of Decision : 27-04-2007

Acts Referred:

Citation : (2007) 104 CLT 544 : (2007) 2 OLR 308 Supp

Hon'ble Judges : N. Prusty, J;I.M. Quddusi, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

I.M. Quddusi, J.—This Writ Petition has been filed against the order of the Collector, Angul dated 22.2.2006 passed in G.P. Appeal Case No. 2 of 2000 upholding the Judgment of the Sub-Collector, Talcher in G.P. Appeal Case No. 1 of 1998.

2. The brief facts of the case are that the Petitioner after getting information from the notice board of Kaniha Block for the post of Gram Panchayat Secretary applied for the same and after facing the interview for the same, she was appointed as the Gram Panchayat Secretary of Dereng G.P. on 16.12.1997 and joined the said post on 19.12.1997. The appointment of the Petitioner was approved by the D.P.O as per the recommendation of the S.D.P.O.

3. Mr. Swain, Learned Counsel for the Petitioner submits that when the Petitioner was continuing as the Secretary of the said Gram Panchayat and was discharging her duties, suddenly three persons came to her rented house near N.T.P.C.. Villager-Bhimkund at about 8, O" Clock and threatened the Petitioner to put her signature in three pieces of written paper which supposed to be the resignation letter of the Petitioner. Thereafter the Petitioner intimated about the said fact to the Sarpanch on 5.3.1998 and requested him not to consider the resignation as a real one. It is also submitted that the Petitioner being a lady, could not lodge any F.I.R. out of fear of her life. The Petitioner's request was accepted by the Sarpanch and she was allowed to work till 12.5.1998, but without the knowledge

of the Petitioner, the so-called resignation of the Petitioner was accepted in the Gram Panchayat resolution. Then the Petitioner made several representations to the authorities. Learned Counsel for the Petitioner submits that there is no specific provision for acceptance of the resignation of the Gram Panchayat Secretary and for that, the Petitioner preferred an appeal before the Sub-Collector, Talcher in G.P. Appeal No. 1 of 1998 which was dismissed on 25.9.1998. Against the dismissal order passed by the Sub-Collector, Talcher, the Petitioner preferred a second appeal before the Collector, Angul which was registered as G.P. Appeal Case No. 2 of 2000 and on 17.7.2002, the Collector dismissed the same for default as the Learned Counsel for the Petitioner was absent.

4. Thereafter, against the order of the Collector dated 17.7.2002, the Petitioner approached this Court in W.P.(C) No. 3629 of 2002 and on 3.1.2006, a direction was given that if the Petitioner files an application within a period of two weeks from that date for restoration of the appeal, then the Learned Collector shall consider it favourably subject to payment of cost of Rs. 1,000/- and thereafter dispose of the same in accordance with law expeditiously after providing opportunity of hearing to all parties concerned. After that the matter was remanded to the Collector for fresh adjudication. After having gone through the documents and written submission filed by the Petitioner before the Collector, the Collector found that though the Petitioner has written that she was forced by her husband to write the resignation letter, she has misled the Court of the Collector by stating that she was unmarried at the time of the alleged resignation. The Collector also observed that the Petitioner could have withdrawn her resignation immediately on the next working day.

In view of above facts and circumstances, the Collector was of the opinion that the Petitioner has tendered her resignation voluntarily and out of her own will and, therefore, dismissed the second appeal of the Petitioner.

5. We have perused the impugned order of the Sub-Collector (Annexure-10) according to which the Petitioner had sent a registered parcel with AD to the Sarpanch informing him about the resignation being forcibly taken. The Sarpanch denied that he had received any such parcel. The Sub-Collector has stated that if the parcel was received by the Sarpanch, then the Petitioner should have received the AD. But the Petitioner failed to produce either the return parcel or the AD before him. The Panchayat Raj Department has forwarded the Xerox copy of the Petitioner's letter dated 5.3.98 to the District Panchayat Officer for enquiry wherein the Petitioner has written that she was forced by her husband to write the resignation letter.

6. In view of the above facts of the case, we see no ground to interfere with the impugned orders of the Sub-Collector and Collector which in our opinion have been passed after full application of mind and making thorough enquiry.

The Writ Petition is misconceived and the same is dismissed accordingly. No

order as to cost.

N. Prusty, J.

I agree