

(2020) 06 SHI CK 0289

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 1723 Of 2020

Naresh Rawat

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 15-06-2020

Acts Referred:

Himachal Pradesh Panchayati Raj (General) Rules, 1997 — Rule 143

Citation : (2020) 06 SHI CK 0289

Hon'ble Judges : L. Narayana Swamy, CJ;Anoop Chitkara, J

Bench : Division Bench

Advocate : Ashish Verma, Ashok Sharma, Ritta Goswami, Adarsh K. Sharma

Final Decision : Disposed Of

Judgement

Anoop Chitkara, J

1. The Petitioner, who apart from working as President of Gram Panchayat Masrund, Tehsil and District Chamba, HP, and is also the President of Woman and Child Development Society Masrund, which is providing Ambulance service since Oct 2019; and after the lockdown, the drivers of the said Ambulance allegedly did not report for duty, and in their absence , he himself drove the Ambulance, of which some trips were neither in discharge of the official duties nor for essential services, and also for violating the protocol for home quarantine, all of which amount to the violation of the provisions of National Disaster Management Act, 2005; and consequently, the Deputy Commissioner Chamba, after an enquiry, placed him under suspension as President of Gram Panchayat Masrund, Tehsil and District Chamba, HP; has come up before this Court on the grounds that due to the current lockdown, the Divisional Commissioner, is not taking up his appeal filed on 6th June 2020, under Rule 143 of the Himachal Pradesh Panchayati Raj (General) Rules, 1997, challenging the suspension order, and consequently seeks issuance of a Writ of Mandamus, because of non-availability of any other efficacious remedy.

2. Ms. Rita Goswami, Ld. Additional Advocate General states that the Government has conferred the powers of Divisional Commissioner, Kangra upon the Divisional Commissioner, Mandi.

3. The nature of order we propose to pass would not require any reply. Suffice it to say that let the concerned Divisional Commissioner take up and decide the appeal filed by the petitioner, within one week from today. It is further clarified that it shall be open for the petitioner to file an application for stay of the impugned order and it shall be for the concerned Divisional Commissioner to decide such application for stay, if filed.

4. The petitioner shall not be compelled to hand over the charge to the concerned Secretary, as directed vide impugned order.

5. Given above, the present petition is disposed of, so also, the pending miscellaneous application(s), if any.

The Court Master to supply authenticated copy of the order to the parties, if they ask for the same.