

**IN THE COURT OF COMMISSIONER SANTHAL PARGANA**  
**DIVISION, DUMKA**

**R.M.A. (Second Appeal) No. - 30/2017-18**

Rajendra Kapri ----- Appellant

-: Versus :-

Satish Kapri & Others ----- Respondents

**ORDER**

28/12/21

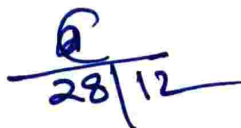
This instant second appeal is preferred against the order dated 28.02.2017 passed by Deputy Commissioner Dumka in Rev. Misc. Revision No. - 12 of 2016-17 (Satish Kapri -versus- Rajendra Kapri & others).

Learned counsel for the appellant submitted that **Mouza - Upper Rangani, Anchal - Jama, District - Dumka is a Pradhani Mouza. The last Pradhan was Satish Kapri respondent 1<sup>st</sup> party who was dismissed by the Deputy Commissioner Dumka vide order dated - 05.02.2015 passed in P.D. Case No. - 15/2010-11. Respondent filed Rev. Misc. Appeal No. - 161/2014-15 before the court of Hon'ble Commissioner, S.P. Division Dumka, who by his order dated 04.07.2018 dismissed the said appeal. Respondent filed W.P.(C) No. - 5107 of 2018 before the High Court of Jharkhand, At -**

Ranchi against the order dated 04.07.2018 passed by the then Commissioner, S.P. Division, Dumka after hearing the Hon'ble High Court dismissed the said writ petition and confirmed the order of court below.

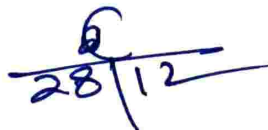
Learned counsel submitted that appellant was appointed as Village Pradhan of Mouza - Upper Rangani by Subdivisional Officer, Dumka vide order dated 19.10.2015 in P.A. Case No. - 24/2015-16 u/s 5 of the S.P.T. Act 1949. The respondent 1<sup>st</sup> party Satish Kapri filed Revision No. - 12/2016-17 against the order dated 19.10.2015 and 20.12.2016 before the Deputy Commissioner Dumka and after hearing the court below allowed the revision vide order dated 28.02.2017 and set aside the order of Subdivisional Officer Dumka passed in P.A. Case No. - 24/15-16 only on the ground that since the appeal against dismissal of the Pradhan is pending before the Hon'ble Divisional Commissioner, Dumka such order is wholly misconceived, illegal and not tenable in law. Hence pray for set aside the order of appellate court below and restore the order passed by S.D.O. Dumka.

Learned counsel for the respondent submitted that respondent was appointed as Pradhan of Village - Upper Rangani vide order dated 02.12.1986 passed by the Subdivisional Officer, Dumka in P.A. Case No. - 93 of 1985-86. Respondent while discharging his duty as Pradhan of the village has been found to be involved in commission of some irregularities of grabbing the land

  
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as also in involvement of criminal case. After enquiry Circle Officer submitted conclusive enquiry report before the S.D.O. Dumka, thereafter Pradhani has been taken away upon, respondent filed appeal before appellate authority to interfere with such decision. In the meantime Subdivisional Officer appointed the appellant as Village Pradhan of Mouza - Upper Rangani u/s 5 of S.P.T. Act 1949 which is illegal in the eye of law. Respondent filed revision against the said order of S.D.O. before the Deputy Commissioner Dumka and after hearing the court below rightly set aside the order dated 19.10.2015 and 20.12.2016 passed by S.D.O. in P.A. Case No. - 24/2015-16.

Heard the learned lawyers of both parties and perusal of documents available on record I find respondent Satish Kapri was the last Pradhan of Mouza - Upper Rangani appointed by S.D.O. Dumka vide P.A. Case No. - 93 of 1985-86, but respondent being a Pradhan committed several commission and omission against the village raiyats started P.D. Case No. - 15/2010-11 and after enquiry all the allegation levelled against the respondent found to be true, thereafter the Deputy Commissioner Dumka approved dismissal of the respondent from the post of Pradhan. The dismissal of respondent as Village Pradhan dully confirmed by the Hon'ble High Court of Jharkhand Ranchi in W.P.(C) No. - 5107 of 2018. I find the Subdivisional Officer, Dumka according to law appointed the appellant as Village Pradhan of Mouza - Upper Rangani u/s 5 of

  
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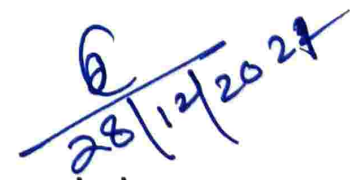
S.P.T. Act 1949 in P.A. Case No. - 24/2015-16. The Deputy Commissioner Dumka without consider the fact hurriedly set aside the order of S.D.O. Dumka only on the ground that respondent preferred R.M. Appeal No. - 161/14-15 against Pradhani dismissal is pending before the then Hon'ble Commissioner, S.P. Division Dumka. I find the said R.M.A. No. - 161/2015 already been dismissed by the then Commissioner S.P. Division Dumka vide order dated 04.07.2018 and the said order dated 04.07.2018 already been confirmed by the Hon'ble Jharkhand High Court Ranchi in W.P.(C) No. - 5107 of 2018 vide order dated 18.11.2019.

In the above discussion this court is inclined to interfere with the impugned order dated 28.02.2017 passed by the Deputy Commissioner Dumka in Rev. Misc. Revision No. - 12 of 2016-17 is hereby set aside and confirmed the order dated 19.10.2015 and 20.12.2016 passed by S.D.O. Dumka in P.A. Case No. - 24/2015-16.

Hence Appeal is Allowed.

Dictated and Corrected by me.

  
Commissioner  
S.P. Division, Dumka.

  
Commissioner  
S.P. Division, Dumka