

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.363 of 2015**

Mukesh Kumar Barman (Manjhi) S/o Late Shri Jangal Prashad Manjhi, aged about 38 years, Caste Manjhi, appointed as Constable G.D. No. 021460049 in the Unit/officer of C.I.S.F., Bhilai, Unit National Corporation Power Shell Ltd. (N.S.P.C.L.) Bhilai, P.S. Bhatti, Tahsil Bhilai and District Durg (Chhattisgarh)

---- Appellant**versus**

1. Union of India, The Secretary, Ministry of Home Affairs, North Block Central Secretariat Mantralaya New Delhi Pin 110001
2. Central Industrial Securities Force (C.I.S.F.), through, Director General of R.C.F.L. Chember East Mumbai, Maharashtra Pin 400074
3. Senior Commandant, C.I.S.F. Bhilai Tiritiya Aarakshit Vahiti, (N.S.P.C.L.) Tahsil Bhilai, Bhilai and District Durg (Chhattisgarh)
4. State of M.P., Through, the Chief Secretary, General Administration Department, Vallabh Bhawan, Mantralaya Bhopal, Tahsil and District Bhopal (Madhya Pradesh)

---- Respondents

For Appellant	:	Shri Vijay K. Deshmukh, Advocate
For Respondent/Union of India	:	Shri R.K. Kesharwani, Standing Counsel

Hon'ble Shri Navin Sinha, Chief Justice**Hon'ble Shri Justice P. Sam Koshy****Judgment on Board****Per Navin Sinha, Chief Justice****03/08/2015**

1. The present appeal arises from the order dated 2-7-2012 disposing Writ Petition (S) No. 1841 of 2015 as infructuous in view of conclusion of departmental proceedings leading to dismissal but reserving liberty for the Appellant to challenge the order of dismissal.

2. Learned Counsel for the Appellant sought to persuade us that the Learned Single Judge erred in holding that the writ petition had become infructuous without properly considering that the order of dismissal dated 30-6-2015 had been brought on record by way of I.A. No. 2 of 2015 seeking interim relief against dismissal. It was lastly submitted that the Appellant has also filed a departmental statutory appeal against the dismissal.

3. Since a departmental appeal has already been filed by the Appellant, it will not be appropriate for us to take notice of the merits in any manner. We see no reason to differ with the view taken by the Learned Single Judge. If the Appellant wanted to challenge the subsequent order of dismissal in the writ petition itself, proper course for him was to file an amendment application challenging the same.

4. The interim application did not seek quashing of the order for dismissal but only sought interim relief for stay of the same, which in any event could not be granted as virtually amounting to a final order that may or may not have been passed ultimately.

5. The Statutory Authority is required to consider the appeal of the Appellant on its merits in accordance with law without being prejudiced by our reluctance to entertain the present appeal.

6. It is repeatedly being noticed that the office is not putting the number of I.A. at the proper column meant for the same but insists on writing at the top of the pleading and then flagging it. Office shall forthwith stop this practice and enter the number of I.A. at the proper place in the column meant for the same only.

7. The writ appeal is disposed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE