

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 566 of 2015**

Dev Ratan Tarak, aged about 68 years, S/o Late Shri Sukhilal Tarak, Rtd. Sub Engineer Officer of Chief Engineer, MRP (Mahanadi Reservoir Project) Raipur, District Raipur, Chhattisgarh, resident of Behind MMI Hospital, Irrigation Colony, Near Muskan Residency, P.S. Lalpur, Raipur, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh, through the Secretary, Water Resources Department, Mantralaya at Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. The Engineer in Chief, Water Resources Departments, Raipur, Chhattisgarh.
3. The Chief Engineer, Mahanadi Project, Water Resources Department, Chhattisgarh, Raipur, Chhattisgarh.
4. The Executive Engineer, Water Management Division No. 1, Raipur, Chhattisgarh.

---- Respondents

For Appellant	:	Shri S.K.Thomas, Advocate.
For Respondent/State	:	Shri B. Gopa Kumar, Deputy Advocate General.

Hon'ble Shri Navin Sinha, Chief Justice**Hon'ble Shri P. Sam Koshy, J.****Judgment on Board****Per Navin Sinha, Chief Justice****15/12/2015**

1. IA No. 1 of 2015 has been filed to condone delay of 159 days in preferring the appeal.
2. Having heard Learned Counsel for the parties and considering the explanation with regard to his illness as also the Counsel representing him coupled with the fact that recovery of Rs. 1,81,000/- has been ordered, the Appellant having superannuated, delay is condoned.
3. The present appeal arises from order dated 15.4.2015 in Writ Petition (S) No. 917 of 2006 declining to interfere with the order for recovery for loss of the Foot Bridge of which the Appellant was incharge, after issuance of show cause notice

and consideration of the reply, we find no reason to interfere with the conclusion of the Learned Single Judge contained in paragraph 9 of the order in so far as jurisdiction under Article 226 of the Constitution and the power of judicial review is concerned.

4. If the Petitioner had lodged an FIR with regard to the theft and despite adjournments, he has not been able to bring on record the status of the investigation and the police report finally submitted, we dispose this appeal with the observation that it shall be open for the Appellant, based on the conclusion contained in the police report to pursue matters before the authorities themselves in accordance with law.

5. The appeal is disposed in the aforesaid terms.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE

Amit