

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1900 of 2016

Kumari Preeti Banjare D/o Mansharam Banjare, Aged About 23 Years R/o Village Bitkula (Sipat); Tahsil Masturi, District (Revenue And Civil) Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: Department Woman And Child Development Mahanadi Bhawan, New Raipur, District (Revenue & Civil) Raipur, (Chhattisgarh)
2. Smt. Chameli Bai Garhewal, W/o Shatrughan; Aged About 30 Years R/o Village Bitkula (Sipat); Tahsil Masturi; District (Revenue And Civil) Bilaspur, (Chhattisgarh)
3. Project Officer, Integrated Child Development Project (Sipat), Bilaspur, District (Revenue And Civil) Bilaspur, (Chhattisgarh)
4. District Programme Officer, Woman And Child Development, District Body Bilaspur, District (Revenue And Civil) Bilaspur, (Chhattisgarh)
5. Chief Executive Officer, Janpad Panchayat Masturi, District (Revenue And Civil) Bilaspur, (Chhattisgarh)
6. Commissioner, Bilaspur, District (Revenue And Civil) Bilaspur, (Chhattisgarh)
7. Assistant Commissioner, Bilaspur, District (Revenue And Civil) Bilaspur, (Chhattisgarh)

---- Respondents

Shri Anand Kesharwani, counsel for the petitioner/s.
Shri R.K.Gupta, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/06/2016

Heard on admission.

This petition is directed against order dated 12/04/2016 followed by order

dated 03/05/2016 passed by the appellate authority.

2. Learned counsel for the petitioner submits that even though caveat was filed, without hearing the petitioner / caveator, the appellate authority passed an ex-parte stay order in favour of respondent No.2. Thereafter, considering that the petitioner took objection, interim order was continued vide impugned order dated 03/05/2016. Submission is that the Commissioner has committed serious jurisdictional error in not hearing the petitioner before passing ex-parte interim order.

3. The appellate authority passed ex-parte interim order on 12/04/2016 in favour of respondent No.2/Smt. Chameli Bai Garhewal considering that if interim order is not granted, she may be removed from her services. The petitioner, thereafter, pressed his caveat application on subsequent dates of hearing. A perusal of order sheet dated 27/04/2016 also shows that the Commissioner also took note of this fact that by mistake, the petitioner was not heard at the stage of granting interim order and therefore, the case was again listed on 03/05/2016. On that day, both the parties were heard and interim order has been continued.

4. In view of above proceedings, I am not inclined to interfere with the impugned order as the petitioner has been heard by the appellate authority and only thereafter, interim order has been continued. The petition is therefore dismissed.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge