

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2797 of 2016

- Kedar Nath Upadhyay S/o Late Shri Laxman Prasad Upadhyay, Aged About 56 Years Working As Horticulture Development Officer, Block Baloda District Janjgir Champa Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Thorough The Secretary, Department Of Panchayat & Rural Development, Govt. Of Chhattisgarh Mahanadi Bhavan, P.O. Rakhi, Naya Raipur, District Raipur Chhattisgarh
2. The Directorate Of Horticulture And Farm Forestry, Through Its Director, Office Of The H.O.D. 2nd Block 4th Floor, Indravati Bhawan, Naya Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. M.P.S. Bhatia, Advocate
For State / Respondents	:	Mr. Dhiraj Wankhede, Government Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

11-07-2016

Heard.

- 1) The petitioner has challenged the order dated 13.06.2016 on several grounds which need not be examined in view of existing remedy of statutory appeal with the petitioner to challenge the order of recovery under Rule 16 of the C.G. Civil Services (Classification, Control and Appeal) Rules, 1966 (for short, 'the Rules of 1966').
- 2) None of the grounds relate to jurisdictional illegality, violation of principle of natural justice or malafide so as to call for an interference by this Court in exercise of discretionary power under Article 226 of the Constitution of India. The argument advanced by learned counsel for the petitioner is that in the appeal, the appellate authority may not grant interim relief is misconceived in law. The competent appellate authority under the Statutory Rules has jurisdiction to provide interim order.

- 3) Without commenting on merit of the case, the petition stands disposed off with liberty to file appropriate statutory appeal before the competent appellate authority under the Rules of 1966. Prayer for stay if made shall also be decided by the competent appellate authority expeditiously.

Sd/-
(Manindra Mohan Shrivastava)
JUDGE

chandra