

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1349 of 2015

- Baldev Prasad Choubey S/o Shri Salik Ram Choubey, Aged About 56 Years, Deputy Forest Ranger/In-Charge Assistant Forest Range Officer, Rajnandgaon Forest Division, Police Station- Lalbag, Tahsil & District- Rajnandgaon (Chhattisgarh)

---- Petitioner

Versus

1. Lokpal Mahatma Gandhi Rashtriya Gramin Rojgar Guarantee Yojana District Rajnandgaon (Chhattisgarh)
2. Shri S. K. Kashyap, Ward No. 9, Station Para, Rajnandgaon, Tahsil & District Rajnandgaon (Chhattisgarh)
3. The Divisional Forest Officer, Rajnandgaon Forest Division, Rajnandgaon (Chhattisgarh)
4. The Forest Range Officer, Mudipar Nursery, Rajnandgaon Forest Division, Rajnandgaon (Chhattisgarh)
5. State Of Chhattisgarh, Through The Secretary, Department Of Forest, Mantralaya, Mahanadi Bhawan, New Raipur (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Jitendra Gupta, Advocate
For Respondent /State	Mr. Shashank Thakur, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

14/1/2016

Heard finally with the consent of learned counsel for the parties.

(2) Admittedly, the petitioner had preferred an appeal before the Commissioner LOKPAL-cum-Appellate Authority under MGNREGA, however, the said appeal has been dismissed vide order dated

02.12.2015 on the ground of pendency of this writ petition.

(3) If the appellate remedy is available, the petitioner cannot bypass the remedy and inform the appellate authority that his petition is pending consideration before the High Court.

(4) In the circumstances, the Appellate Authority under MGNREGA, Scheme is directed to take up the petitioner's appeal for hearing on merits and decide the same in accordance with law.

(5) The order Annexure P/13 passed by the appellate authority dismissing the appeal is set-aside. Let the appellate authority decide the petitioner's appeal within a period of 06 months from the date of submission of certified copy of this order.

(6) The interim order passed earlier by this Court shall remain in operation during pendency of the appeal.

(7) With the aforesaid observations/directions, the writ petition stands finally disposed of.

Sd/-

Judge

(Prashant Kumar Mishra)

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