

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2760 of 2016

The Municipal Council Takhatpur Through Its Chief Municipal Officer, Umesh Shukla, S/o Shri Daulat Ram Shukla, Aged About 59 Years, Takhatpur, District Bilaspur, (Chhattisgarh)

---- Petitioner

Versus

1. Rajesh Pandey S/o Shri Lalji Pandey, R/o Main Road, Barela, Post Office Barela, Police Station Takhatpur, Tahsil Takhatpur, District Bilaspur, (Chhattisgarh)
2. Additional Collector, Bilaspur, District Bilaspur, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Sunil Otwani, Advocate
For Respondent No.1	:	Shri M.K. Bhaduri, Advocate
For Respondent No.2	:	Shri Dhiraj Wankhede, Govt. Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

01/09/2016

Heard on admission.

1. The petitioner has challenged the order passed by the Appellate Authority by which termination order of respondent No.1 has been stayed.
2. Learned counsel for the petitioner, relying upon the order passed by the Hon'ble Supreme Court on 18th September, 2009 in Civil Appeal No.6517 of 2009 (*State of U.P. & Ors. Vs. Sandeep Kumar Balmiki & Ors.*) submits that unless the petitioner is heard, the order of termination could not be stayed in the manner which has been done.
3. Though this Court on the earlier date, passed an order staying the effect and operation of the impugned order, after hearing learned counsel for the parties,

I deem it expedient to dispose off the petition with liberty to the petitioner to apply for vacating stay before the concerned authority placing before the authority the order dated 18th September, 2009 passed by the Supreme Court. It is directed that the application for vacating stay shall be heard within a period of 3 weeks from the date of submission of application for vacating stay.

4. Till the application for vacating stay is decided, no coercive steps shall be taken by any authority for reinstatement of respondent No.1/employee.
5. The petition is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge