

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1038 of 2017

Naresh Chandra Sahu S/o. Late Shri Bisauha Ram Sahu, Aged About 52 Years R/o. Quarter No. 187/ G, Risali Sector, Police Station Nevai, Bhilainagar, District Durg (Chhattisgarh)

---- Petitioner

Versus

1. State of Chhattisgarh Through Its Secretary, Department Of Law And Legislative, Secretariat, Mahanadi Bhawan, New Raipur, Police Station And Post Rakhi District Raipur (Chhattisgarh)
2. Registrar General, Appellate Officer, Chhattisgarh High Court, Bodri, Bilaspur (Chhattisgarh)
3. District And Session Judge, District Court Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Abhishek Pandey, Advocate.
For Respondent/State	:	Shri SP Kale, Deputy Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

02/03/2017

1. The services of the petitioner was terminated vide order dated 19.04.2010 (Annexure P/3). The order of termination was issued invoking the provisions of Rule 10(8) of Chhattisgarh Civil Services (Classification, Control and Appeal), Rules, 1966.
2. Counsel for the petitioner submits that since the order of termination was an appealable order, the petitioner immediately preferred an appeal before the appellate authority in the month of June, 2010 itself, however, according to the petitioner, no decision has been taken on the said appeal till date.
3. The perusal of memo of appeal (Annexure P/4) does not reflect any receipt having been obtained in respect of the appeal being filed before

the appellate authority.

4. In case if an appeal has been preferred by the petitioner and is pending before the appellate authority, this court has no reason to hold that there has been an inordinate delay in not deciding the same, it would also reflect the working of the appellate authority, the appellate authority should not have kept the appeal pending for all these 7 years undecided.
5. Therefore, the present petition is disposed of with a direction that in case if the petitioner has preferred an appeal and the same is duly received in the office of the appellate authority, the same, if not decided till now, be decided at the earliest within a period of 60 days from the date of receipt of certified copy of this order. However, it is made clear that if no such appeal is found to have been received in the office of appellate authority as has been claimed by the petitioner, no fresh appeal would be entertained and there would be no occasion for deciding the same.
6. The petition is disposed of with the aforesaid observations.

Sd/-

(P. Sam Koshy)
Judge