

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3269 of 2017

1. Ayodhya Prasad Sidar S/o Shri Shyamlal Sidar Aged About 27 Years R/o Village Bilaigarh, Village Panchayat Bilaigarh, Police Station Saraipali, District Mahasamund Chhattisgarh.
2. Priyanka Sahu D/o Shri Vishwamitra Sahu Aged About 24 Years R/o Village Kendudhar, Vill. Panchayat Kendudhar, Police Station Saraipali, District Mahasamund Chhattisgarh.
3. Shivkumar Nand, S/o Shri Kishor Aged About 26 Years R/o Village Bhuthiya Vill. Panchayat Bhuthiya, Police Station Saraipali, District Mahasamund Chhattisgarh.
4. Mina Kumari Netam D/o Shri Dharmendra Netam Aged About 28 Years R/o Village Amarkot, Vill. Panchayat Amarkot, Police Station Saraipali, District Mahasamund Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya Raipur Chhattisgarh.
2. Collector, Mahasamund, District Mahasamund Chhattisgarh.
3. Chief Executive Officer, Janpad Panchayat Saraipali, District Mahasamund Chhattisgarh.

---- Respondents

Shri Bhupendra Singh, counsel for the petitioner/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/07/2017

This petition has been filed by the petitioners seeking quashing of advertisement dated 07/07/2017, direction for payment of salary and also to restrain the respondents from complying with order dated 10/01/2017 till decision of petitioners' appeal.

2. Learned counsel for the petitioners submits that the petitioners were earlier

engaged as contractual employees. They were later on terminated. The termination order was challenged by filing appeal before the Collector which is still pending consideration. In the appeal, application for stay was also filed which has not been decided till date. In the meantime, process of fresh recruitment initiated vide advertisement dated 07/07/2017 and therefore, the petitioners are apprehending that new appointment may take place. It is submitted that even though no interim order is granted till date, the petitioners are still working.

3. I am afraid, when the petitioners have taken recourse to remedy of appeal, which is pending consideration before the Collector, no order can be passed by the Writ Court. The petitioners' stay application is also pending. It is submitted that the application for stay is listed for consideration on 27/07/2017. The petitioners should press their application for stay before the Collector and the Collector shall decide the same at the earliest. All other reliefs can be raised before the appellate authority. Therefore, in these circumstances, this petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge