

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 733 of 2017

Sebastian Baxla S/o Shri B. Baxla, Aged About 59 Years Working As Horticulture Development Officer, Presently Posted At The Office Of Assistant Director Horticulture District Raigarh Chhattisgarh

---- Petitioner

Versus

Shri Alok Kumar Shrivastav Secretary, Department Of Agriculture, Govt. Of Chhattisgarh, Mahanadi Bhavan, Naya Raipur, District Raipur Chhattisgarh

---- Respondent

For petitioner : Mr. H.A.P. S. Bhatia, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

07/12/2017

Heard.

1. This petition has been filed by the petitioner alleging willful disobedience of order dated 11.07.2016 passed in WPS No.2649 of 2016.

2. Learned counsel for the petitioner would submit that though this Court did not entertain the petition in view of availability of alternative remedy of appeal, it was observed while disposing off the matter that prayer for stay, if made, shall be decided by the competent appellate authority expeditiously. According to learned counsel for the petitioners, the appeal was filed along with an application for stay on 05.08.2016 but thereafter not a single date of hearing has been fixed by the appellant authority much less consideration of stay application and therefore, the remedy of appeal has proved to be illusionary.

3. This Court disposed off the writ petition filed by the petitioners in

view of existence of alternative remedy of statutory appeal. While disposing off the matter, this Court had observed that prayer for stay, if made, shall be decided by the appellate authority expeditiously. Even though no time limit was fixed, the spirit of the order was that atleast stay application should be decided expeditiously. Otherwise also application for stay are required to be decided at the earliest.

4. It is unfortunate that the authorities are sitting over the appeal of the petitioners without even considering application for stay. Apparently undue advantage has been taken on the fact that this Court has not provided any time limit of consideration. This Court in the hope that the appellate authority would consider the stay application had observed regarding expeditious disposal.

5. Let a copy of this order be submitted by the petitioners before the appellate authority. Within a period of 30 days from the date of submission of copy of this order, the stay application of the petitioners shall be decided one way or the other. If within 30 days as directed above, application for stay is not decided, it would be treated to be a case of overreaching the observation made by this Court earlier. In case, the decision does not take place as directed, the petitioners would be at liberty to take recourse to remedy available under the law.

6. With the aforesaid liberty, the contempt petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)

Judge