

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 663 of 2017**

Kedar Nath Upadhyay S/o Late Shri Laxman Prasad Upadhyay, Aged About 57 Years Working As Horticulture Development Officer, Block Baloda District Janjgir Champa Chhattisgarh
---- **Petitioner**

Versus

Shri Alok Kumar Shrivastav Secretary, Department Of Agriculture & Bio-Technology, Govt. Of Chhattisgarh, Mahanadi Bhavan, Naya Raipur, District Raipur Chhattisgarh
---- **Respondent**

For Petitioner : Mr. MPS Bhatia, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****17.11.2017**

Heard.

1. This petition has been filed by the petitioner alleging willful disobedience of order dated 11.07.2016 passed in WPS No.2797 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 petitioner, 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 illusory.
3. This Court disposed off the writ petition filed by the petitioner 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 petitioner 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 petitioner 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 petitioner 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 petitioner 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