

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 44 of 2017**

Man Mohan Lal Sahu, S/o Late Shri N.P. Sahu, aged about 67 years, R/o Near Jaya Medical Stores, Railway Crossing, Shankar Nagar, Raipur (CG). Presently R/o village Deragarh, PO Dumarpara, PS Baradwar, Tahsil Sakti, District Janjgir-Champa (CG)

---- Appellant**versus**

1. Managing Director, MP State Mining Corporation Limited, Registered Office, Block No.1, 2nd Floor (A), Paryawaran Bhawan, Jail Road, Areara Hills, Bhopal (MP)
2. General Manager (Finance and Accounts), Registered Office, Block No.1, 2nd Floor (A), Paryawaran Bhawan, Jail Road, Areara Hills, Bhopal (MP)
3. Managing Director, Finance and Accounts, Chhattisgarh State Mining Corporation Ltd. Khanij Bhawan, Ring Road No.1, Telibandha, District Raipur (CG)

---- Respondents

For Appellant	:	Shri Vivek Shrivastava, Advocate
For Respondents 1 and 2	:	Shri Sourabh Sharma, Advocate
For Respondent No. 3	:	None

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Pritinker Diwaker, Judge

Judgment on Board**23/03/2017**

1. This appeal is against the judgment by which the learned Single Judge has held that the writ petition filed by the Appellant challenging the penalty order issued by the Managing Director of the Madhya Pradesh State Mining Corporation, Baradwar is not maintainable before this Court on account of lack of territorial jurisdiction.

2. We have heard the learned counsel for the Appellant and learned counsel for the Establishment.
3. As has been found by the learned Single Judge and going by the materials on record, it is the indisputable position that action was taken against the delinquent outside the territory which is now the State of Chhattisgarh. The action concluded after the Reorganisation Act, which means thereby the finality of the proceedings which are under challenge occurred within the territorial limits beyond that of the High Court of Chhattisgarh. That proceeding notwithstanding we may also note that on 29.7.2000 the delinquent applied for voluntary retirement and was granted, to be enjoyed w.e.f. 31.7.2000. That was at the point of time when the Reorganisation Act was yet to come. The question therefore clearly deserves to be answered only against the Appellant. The finding of the learned Single Judge is therefore in order. We do not find any ground to interfere with impugned judgment.
4. The writ appeal fails and the same is accordingly dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Pritinker Diwaker)
Judge