

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.509 of 2017**

(Arising out of judgment/order dated 05.10.2017 in Case No.W.P.(S)
No.4751/2017 of the learned Single Judge

1. Chhattisgarh Khadi Tatha Gramodyog Board Through The Managing Director, Chhattisgarh Khadi Tatha Gramodyog Board, Mahatma Gandhi Smriti Bhawan, Kankalipara Road, Sports Complex Premises, Raipur, Chhattisgarh.,.....(Respt. No. 1)
2. Alok Katiyar The Managing Director, Chhattisgarh Khadi Tatha Gramodyog Board, Mahatma Gandhi Smriti Bhawan, Kankalipara Road, Sports Complex Premises, Raipur, Chhattisgarh.....
(Respt. No.2)

---- Appellants

Versus

Shyamlal Tiwari S/o Shri Kaushal Prasad Tiwari, Aged About 58 Years Presently Working As Supervisor, Chhattisgarh Khadi Tatha Gramodyog Board, Head Office, Mahatma Gandhi Smriti Bhawan, Kankalipara Road, Sports Complex Premises, Raipur, Chhattisgarh.

---- Respondent

For Appellants:
For Respondent:

Shri Ranbir Singh Marhas, Advocate.
Shri N. Naha Roy, Advocate.

Hon'ble The Chief Justice**Hon'ble Shri Justice Sanjay Agrawal****Order on Board**

Per Thottathil B. Radhakrishnan, Chief Justice

29/11/2017

1. We have heard learned Counsel for the Appellant and learned Counsel for the Respondent.
2. This Appeal is directed against the interlocutory order dated 5.10.2017 issued by the learned Single Judge in W.P.(S) No.4751/2017, wherein the Respondent/employee challenged the order of compulsory retirement treating him as dead wood in the service of the Appellant/Establishment.

3. Having heard learned Counsel for the Appellant and learned Counsel for the Respondent in quite *ex tenso*, we notice that the fact of the matter remains that the Respondent was subjected to an order of reversion, which was ultimately set aside by this Court. He thereafter, challenged the order of transfer. It is submitted that the said Writ Petition is pending with an interlocutory order in favour of the employee. We dissuade ourselves from saying anything more than to note that the learned Single Judge had taken stock of the requisite facts and had granted interlocutory order essentially paving way to maintaining the status *quo* of the employment of the Respondent pending final judicial decision and disposal of the Writ Petition. Notwithstanding the erroneous inclusion of the word “not” in the penultimate paragraph of the impugned order, the conclusion of the learned Single Judge is crystal clear; to wit, that the Respondent should be continued to be employed till the matter is decided by this Court. The impugned interlocutory order does not, hence, warrant interference in Appeal.

4. We however, appreciate the concern expressed on behalf of the Appellant, having regard to various factors which would have weighed with the employer to treat the case of the Respondent as a fit one for compulsory retirement. In the fitness of things, we deem it appropriate to request the learned Single Judge to sympathetically consider any request of the Appellant/Establishment for out of turn of hearing of the Writ Petition itself.

5. Subject to the aforesaid, this Writ Appeal fails and the same is accordingly dismissed.

Sd/-
(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-
(Sanjay Agrawal)
JUDGE