

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1461 of 2017

M/s G.C.Jain S/o Late Shri Vinod Jain Aged About 30 Years R/o Parshva Apartment, Choubey Colony, Raipur, Police Station Civil Lines, Tehsil And District Raipur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Public Works Department, Mahanadi Bhawan, New Raipur, (Chhattisgarh)
2. The Chief Engineer, Public Works Department, Bilaspur District Bilaspur (Chhattisgarh)
3. The Superintending Engineer, Bilaspur Board, Public Works Department, Bilaspur (Chhattisgarh)
4. The Executive Engineer, Bilaspur Division No. 2, Public Works Department, Bilaspur (Chhattisgarh)

---- Respondents

Shri Rahul Jha, counsel for the applicant/s.
Shri Ramakant Mishra, Dy.A.G. for the State on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/05/2017

Learned counsel for the petitioner submits that the petitioner's appeal provided under Clause 28 of the agreement is an effective remedy but the appellate authority has refused to examine the merits of appeal relying only on Clause No.2 on the assumption that the decision of the lower authority is final. He submits that similar issue was considered and decided by this Court vide order dated 01/03/2016 in WPC No.540/2016.

2. Learned State counsel opposes and submits that though in brief, there is consideration of petitioner's appeal. Therefore, it cannot be said that the appellate authority has not decided anything.

3. After going through the order passed by this Court in WPC No.540/2016

and perusal of impugned order in the present case, I find that the appellate authority has not examined the grounds raised in the appeal in view of Clause 2 of the agreement. Therefore, this case is also similar to the one earlier decided.

4. Accordingly, the impugned order is set aside and the matter is remanded back to respondent No.2 to examine the appeal on merits and take decision in accordance with law.

Sd/-
(Manindra Mohan Shrivastava)
Judge