

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 211 of 2017

Manrakhan Dewangan S/o Shri G. L. Dewangan, Aged About 36 Years R/o Ward No.17, Dauchira, Council Of Ward No. 17, Khairagarh, Tahsil And P.S. Khairagarh, Tahsil And P.S. Khairagarh, District Rajnandgaon, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: The Secretary, Urban Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh)
2. Additional Collector, Rajnandgaon, District Rajnandgaon, (Chhattisgarh)
3. President, Nagar Palika Parishad, Khairagarh, District Rajnandgaon, (Chhattisgarh)
4. Ramadhar Rajak S/o Late Shankar Lal Rajak, Aged About 49 Years Vice President, Nagar Palika Parishad, Khairagarh, District Rajnandgaon, (Chhattisgarh)

---- Respondents

Shri C.K.Kesharwani, counsel for the petitioner/s.
Shri R.K.Gupta, Dy.A.G. for the State / respondents 1 and 2 on advance copy.
Shri B.D.Guru, counsel for respondent No.4.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

01/02/2017

The petitioner has filed this petition ventilating grievance that even though the petitioner has already filed an appeal against the order of removal dated 10/01/2017 before the appellate authority / State Government on 16/01/2017, till date the petitioner has not been informed of any date of hearing on his stay application. It is submitted that on an appeal being filed, the petitioner is entitled under the law for immediate hearing on his stay application.

2. The petitioner was working as a Councilor and vide order dated 10/01/2017, order of removal has been passed from the office. This order is appealable under the law. The petitioner has taken recourse to remedy of appeal

provided under the law. The nature of function and duty exercised by the authority is quasi judicial under the law. Therefore, the authority is under a duty imposed under the law to immediately hear on application for stay.

3. Let the application for stay of the petitioner be heard at the earliest in any case within a period of 7 days from the date of production of copy of this order before the appellate authority. On the day, the order is produced before the appellate authority, the appellate authority shall fix and inform the petitioner the date of hearing, which shall not be later than 7 days from the date of production of copy of this order.

4. With the aforesaid observation, this petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge