

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WA No. 156 of 2018

- Jai Mata Mahila Swa Sahayata Samuh, Kandekela, Samiti Through Its President Smt. Namrata Sinha, Wife Of Shri Domar Singh, Aged About 32 Years, Resident Of Village Kandekela, Block Mainpur, Tehsil Mainpur, District Gariyaband, Chhattisgarh.

---- Appellant

Versus

1. The State of Chhattisgarh Through The Secretary, Women And Child Development Department, Mantralaya Mahanadi Bhawan, Naya Raipur Chhattisgarh.
2. The Collector, Gariyaband, District Gariyaband Chhattisgarh.
3. District Program Officer Women And Child Development Department Gariyaband District Gariyaband, Chhattisgarh.
4. Project Officer, Integrated Child Development Project Mainpur, District Gariyaband, Chhattisgarh.

---- Respondents

For Appellant	:	Shri P.P. Sahu, Advocate.
For State	:	Shri Prafull N. Bharat, Additional Advocate General.

Hon'ble Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

14.03.2018

1. Heard the learned counsel for the Appellant and the learned Additional Advocate General.
2. It appears that the Appellant was granted a contract in terms of the policy dated 05.06.2017. That has now been terminated, allegedly without notice to the Appellant. It was pointed out before the learned Single Judge that the policy itself provides for an appeal to the Collector and thereafter to the Commissioner. Obviously, therefore, the power of the Collector and the Commissioner to consider the appeal would also include the power to pass an

interlocutory order of stay from inducting any third person, pending consideration of the appeal; particularly when, the basic allegation is that the Petitioner/Writ Appellant was not given an opportunity of hearing. It is all the more so on the plea of the Appellant that in the revised circular, the Appellant is entitled to protection for a period of 5 years.

3. Hence, the writ appeal is ordered affirming the decision of the learned Single Judge but directing that any application by the Appellant for stay of the decision of the District Programme Officer will be considered without delay by the Appellate Authority.
4. Let any application for stay be considered by the Appellate Authority within a period of one week of institution of the appeal and the application for stay. That shall be on their own merits and untrammelled by the views stated herein.
5. Issue copy to the parties, immediately.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge