NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3730 of 2018

Sanjeev Kumar Tiwari S/o Shri Ambika Tiwari, Aged About 30 Years Occupation- Assistant Teacher (Panchayat) Government Primary School Padumsara, Tahsil and Thana- Saja, District- Bemetara, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Welfare, Development, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. Collector, Bemetara, District- Bemetara, Chhattisgarh.
3. Chief Executive Officer, Janpad Panchayat Saja, District- Bemetara, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Vinay Pandey, Advocate
For State	:	Mr. Aushutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/05/2018

1. Challenge in the present writ petition is Annexure P-1 dated 28.04.2018 whereby the Collector, District Bemetara has refused to entertain the application for withdrawal of the appeal preferred by the petitioner.

2. The relevant facts for adjudication of the dispute are that the petitioner was appointed as an Assistant Teacher Grade-III (Panchayat) in the year, 2007. The services of the petitioner were abruptly terminated in January, 2017. Against the said order of termination, the petitioner preferred an appeal before the Collector Bemetara which was pending consideration. Meanwhile, the order of termination stood recalled vide order dated 12.10.2017. As a consequence, the petitioner has been reinstated in service. Subsequently, the petitioner moved an application for withdrawal of

the appeal pending before the Collector. It is this application which was rejected by the Collector vide the impugned order.

3. This Court fails to understand as to on what pretext the Collector intends to decide the appeal on merits. Once when the petitioner who was the appellant before the Collector expresses not to press the appeal and wants to withdraw the appeal, there could be no reason whatsoever for the Collector to reject the application or to decide the appeal on merits particularly when the petitioner himself has stated in his application that his grievance stands redressed and he does not intend to pursue the appeal any further.

4. Given the facts and circumstances of the case, this Court is of the opinion that the impugned order is totally misconceived and is not maintainable and the same deserves to be and is accordingly set aside.

5. The writ petition thus stands allowed. It is directed that the Collector, Bemetara should forthwith allow the application of the petitioner permitting him to withdraw the appeal. Let this exercise be carried out by the Collector, Bemetara within a period of 30 days from the date of receipt of certified copy of this order. Let the petitioner bring to the notice of the Collector the order passed by this Court for an early decision.

Sd/-
(P. Sam Koshy)
Judge

Ved