

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 781 of 2018***{Arising out of order dated 27.09.2017 passed by learned Single Judge in Writ Petition (S) No. 5135 of 2017}*

- The Commissioner Municipal Corporation Raipur Municipal Corporation, Raipur, District Raipur (C.G.)

----Appellant**Versus**

1. Hemant Kumar Sonwani S/o Shri Bhonda Das Sonwani Aged About 46 Years Post Shiksha Karmi Grade - II, Under The Government Middle School, Paras Nagar, Raipur, District Raipur (C.G.)
2. Dr. Akash Mohan Jha S/o Shri Subhash Dutta Jha Aged About 42 Years Post Shiksha Karmi Grade - II, Under The Professor J. N. Pandey, Government Multipurpose Higher Secondary School, Nalghar Chowk, P. S. Civil Line, Raipur, District Raipur (C.G.)
3. Smt. Kiran Shukla W/o Shri Narendra Shukla Aged About 44 Years Post Shiksha Karmi Grade-II, Under The Government Middle School, Kabir Nagar, Tatibandh, Raipur, District Raipur (C.G.)
4. Smt. Preeti Tiwari W/o Late Shri Sumeet Tiwari Aged About 50 Years Post Shiksha Karmi Grade-II, Under The Government Middle School, Kota, P.S. Saraswati Nagar, District Raipur (C.G.)
5. State of Chhattisgarh, Through Secretary, Urban Administration And Development Department, Mahanadi Bhawan, New Mantralaya, District Raipur (C.G.)
6. The Director Directorate of Urban Administration and Development Department, Indravati Bhawan, D-Block, 4th Floor, New Mantralaya, District Raipur (C.G.)
7. The Collector Raipur, District Raipur (C.G.)
8. The District Education Officer, Raipur, District Raipur (C.G.)
9. The Block Education Officer, Block Dharsiwa, Raipur, District Raipur (C.G.)

---- Respondents

For Appellant	:	Shri Pankaj Agrawal, Advocate.
For Respondent/State	:	Shri Prasun Bhaduri, Government Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu****Judgment on Board**

Per Ajay Kumar Tripathi, Chief Justice

28.11.2018

1. Heard counsel for the Appellant and learned Government Advocate for the State.
2. Even though, we are not satisfied with the reason indicated in the application for condonation of delay of 315 days, however, in the interest of justice I.A. No.1 of 2018 is allowed. Delay is condoned.
3. The direction of the learned Single Judge contained in paragraph-4 of the order dated 27.09.2017 is unambiguous. The Corporation cannot hide behind a notification dated 30.06.2018 issued by the State of Chhattisgarh as a ploy or reason to not comply with the order of the learned Single Judge by moving the High Court in appeal on 01.10.2018. Enough time was available in their hands to implement the order and even otherwise, a direction or notification dated 30.06.2018 of the State Government cannot come in the way of implementation of judicial order already passed prior to the said notification.
4. The appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge