

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 505 of 2017**

1. State Of Chhattisgarh Through The Secretary, Government Of Chhattisgarh, Department Of Home, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh (Appellant No.1/ Respondent No.1)
2. The Director General Of Police, Police Headquarters, Indrawati Bhawan, Naya Raipur, Chhattisgarh(Appellant No.2/ Respondent No.2)
3. The Inspector General Of Police, Raipur Range, Raipur (Presently Range Durg, District Durg) Chhattisgarh (Appellant No.3/ Respondent No.3)
4. The Superintendent Of Police, District Durg, Chhattisgarh(Appellant No.4/ Respondent No.4)
5. The Superintendent Of Police, District Rajnandgaon, Chhattisgarh(Appellant No.5/ Respondent No.5)

---- Petitioner**Versus**

- Hari Narayan Kosle S/o Dursai, Aged About 66 Years, Ex-Head Constable No. 791, District Rajnandgaon, Chhattisgarh (Respondent/ Petitioner)

---- Respondent

For Appellants
For Respondent

Mr. RK Gupta, Dy.Advocate General
Mr. BD Badgaiyan, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board By**Prashant Kumar Mishra, J.**

4/1/2018

IA No.01

1. This is an application for condonation of delay in filing the appeal.
2. After hearing learned counsel for the parties, delay of 93 days in filing the appeal, is condoned.
3. Accordingly, IA No.1 is allowed.

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4. Heard.
5. The sole submission of learned Dy. Advocate General for the State, is that the writ Court has remitted the matter to the Appellate Authority for fresh consideration of the appeal after affording due opportunity of hearing to both the parties. However, at the same time, the order passed by the Disciplinary Authority on 21.6.2004 has also been set-aside by the writ Court, therefore, there is no order before the Appellate Authority, on which, the appeal can be heard on merits.
6. Mr. Badgaiyan, learned counsel for the respondent, would not dispute that the writ Court has remitted the matter to the Appellate Authority, therefore, the respondent's appeal is required to be considered on merits.
7. In view of the above, the order passed by the writ Court in para

5 would stand modified to the extent that only the Appellate Order dated 16.9.2004 is set-aside and the order passed by the Disciplinary Authority on 21.6.2004 shall remain alive so that its validity can be adjudicated by the Appellate Authority when it proceeds to hear the appeal on merits as directed by the writ Court.

8. The writ appeal is accordingly disposed of.

Sd/-

Judge

(Prashant Kumar Mishra)

Sd/-

Judge

(Ram Prasanna Sharma)

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