

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2406 of 2019

Smt. Anjulata Jaiswal W/o Shri Hitesh Kumar Jaiswal, Aged About 25 Years, R/o Ward No. 04, Nagar Panchayat Bilaigarh, Thana And Tahsil Bilaigarh, Civil And Revenue District - Balodabajar-Bhatapara Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Women And Child Development Department Mantralaya, Mahanadi Bhawan, Capital Complex, Atal Nagar, Naya Raipur District - Raipur Chhattisgarh
2. Collector Balodabajar, District - Balodabajar-Bhatapara Chhattisgarh
3. Sub Divisional Officer (Revenue) Bilaigarh, District - Balodabajar-Bhatapara Chhattisgarh
4. Bina Kumari D/o Late Shri Mangatu R/o Ward No.04, Nagar Panchayat Bilaigarh, Thana And Tahsil Bilaigarh, Civil And Revenue District – Balodabajar-Bhatapara, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Sunil Sahu, Advocate
For State	:	Mr. Anshuman Shrivastava, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/04/2019

1. The challenge in the present writ petition is to the order Annexure P/1 dated 01.03.2019, whereby an appeal which was preferred by the petitioner against the order of appointment given to the respondent No.4 as an Anganbadi worker for ward No.4 of Nagar Panchayat, Bilaigarh, District Balodabazar-Bhatapara has been

stayed by the Appellate Authority i.e. the Sub-Divisional Officer for an indefinite period.

2. The facts of the case are that the respondent No.4 - Bina Kumari has been appointed as an Anganbadi worker for ward No.4 of Nagar Panchayat, Bilaigarh, District Balodabazar-Bhatapara vide order dated 10.05.2018. The petitioner had immediately filed a writ petition before this Court i.e. WPS No. 3830/2018. This Court disposed of the said writ petition on 06.08.2018 directing the petitioner to approach the Appellate Authority and it was further directed that the Appellate Authority shall on receipt of the appeal decide the same in accordance with the rules as expeditiously as possible preferably within a period of 60 days.
3. Subsequently, the petitioner has approached the Appellate Authority i.e. the Sub-Divisional Officer (Revenue) Bilaigarh i.e. respondent No.3. The appeal was entertained, notices were issued, parties appeared and final arguments were also heard and the matter was reserved for final orders. At this juncture, the respondent No.4 is said to have moved a revision petition before the respondent No.2-Collector and in spite of the fact that there being no interim order of any nature passed by the Collector in the revision petition, the Sub-Divisional Officer (Revenue) has on an intimation being given by the respondent No.2 stayed the further proceedings of the appeal till the revision petition is finally decided.
4. This Court is of the opinion that the said action on the part of the Sub-Divisional Officer (Revenue) seems to be not proper. Once

when the appeal has been entertained by the Appellate Authority i.e. the respondent No.3 and moreover there is already an order passed by this Court on 06.08.2018 in WPS No. 3830/2018 to ensure the appeal is decided as far as possible within a period of 60 days, all endeavors should have been made by the respondent No.3 to decide the appeal on its merit.

5. If at all, if the respondent No.4 has preferred a revision before the Revisional authority, they should have also got the revision processed to the extent of seeking an interim protection from the Revisional Court. Merely filing of a revision petition before the higher authorities itself would not be a ground for staying of the proceedings before the lower authority.
6. Given the aforesaid facts, this Court does not intend to keep the writ petition pending and the impugned order dated 01.03.2019 to the aforesaid extent is not sustainable and the same is set-aside /quashed. The respondent No.3 is directed to proceed and decide the appeal on its merit, unless the revision, which the respondent No.4 has preferred, is entertained by the Revisional authority and interim protection is granted, so far as the proceeding pending before the Appellate Authority is concerned.
7. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge