

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2429 of 2019

Ku. Sushma Nishad D/o Sunadhar Nishad Aged About 20 Years Caste Kewat R/o Village Bhajridand, Tahsil Farsabahar, District Jashpur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Women And Child Welfare Development, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh.
2. Commissioner Surguja Division Surguja, Ambikapur Chhattisgarh.
3. Collector Jashpur District Jashpur, Chhattisgarh.
4. Chief Executive Officer Zila Panchayat Jashpur, Chhattisgarh.
5. Chief Executive Officer Janpad Panchayat Farsabahar, District Jashpur, Chhattisgarh.
6. Project Officer Integrated Child Development Project Tapakara, District Jashpur, Chhattisgarh.
7. Premika Xaxa D/o Amrit Xaxa Aged About 24 Years Caste Uraon, R/o Village Bhajridand, Tahsil Farsabahar, District Jashpur, Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Jitendra Shrivastava, Advocate
For State	:	Ms. Shriya Mishra, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/04/2019

1. The relief sought for by the petitioner in the present writ petition is for a direction to the respondent No.2 to decide the revision petition, which the petitioner has filed against the order passed by the Collector dated 25.02.2019 at the earliest.
2. The facts of the case is that the petitioner was appointed as an Anganbadi worker vide order dated 03.02.2018. The appointment of the petitioner was challenged by the respondent No.7 before the Collector in an appeal under Section 91 of the Chhattisgarh Panchayat Raj Adhiniyam, 1995. The Collector vide its order dated 25.02.2019 allowed the appeal and held that the appointment to the petitioner is bad. It is this order dated 25.02.2019, which was challenged by

the petitioner before the Commissioner, by way of a revision. The Commissioner vide his order dated 05.03.2019 rejected the application for stay of the order of the Collector and further ordered for deciding the appeal on merit by issuing notice to the other side.

3. The limited prayer, which the petitioner has prayed is for a direction to the respondent No.2 to decide the revision at the earliest and at the same time grant for an interim relief for permitting the petitioner to continue to work till the revision is decided.
4. At the outset, this Court is not inclined to grant an interim protection to the petitioner for the simple reason that the Commissioner as it is has exercised the discretionary power conferred upon him so far as the stay is concerned. This Court under Article 226 of the Constitution of India in exercise of the power of judicial review would have very limited power to scrutinize an order passed under the discretionary jurisdiction. However, so far as the substantial relief sought for by the petitioner directing the Commissioner to decide the appeal is concerned, this Court is of the opinion that considering the fact that it is a case where the petitioner already is in service and his appointment has been cancelled by the order of Collector, let the revision, which the petitioner has filed and is pending consideration before the Revisional authority i.e. the respondent No.2, be decided at the earliest preferably within a period of 90 days from the date of receipt of the copy of this order.
5. It shall be the responsibility of the petitioner to appraise the respondent No.2, so far as the order passed by this Court is concerned.
6. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge