

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1935 of 2016**

Vijay Kumar Sathpathi S/o Shri Chakradhar Sathpathi, Aged About 35 Years R/o Near Deolas Chowk, Beladula, Raigarh, District Raigarh Chhattisgarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Government Of Chhattisgarh Mantralaya, Mahanadi Bhawna, New Raipur, District Raipur Chhattisgarh, Chhattisgarh
2. Commissioner, Mahatma Gandhi National Rural Employment Guarantee Authority Indravati Bhawan, Naya Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Collector, Janjgir Champa, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
4. Chief Executive Officer And Addl District Programme Coordinator, Mahatma Gandhi National Rural Employment Guarantee Authority M.N.A.R.E.G.A. Zila Panchayat, Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
5. Executive Engineer, Rural Engg. Service, Division Janjgir, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
6. Chief Executive Officer, Janpad Panchayat, Malkharoda, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondents

Petitioner in person	:	Mr. Vijay Kumar Sathpathi
For State	:	Mr. Sameer Behar, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10/05/2019**

1. During the course of the argument petitioner in person submitted that subsequent to the filing of the present writ petition the petitioner had subsequently challenged the termination order dated 03.09.2014 by

way of writ petition I.e WPS No. 3043/2015 which got disposed off on 20/08/2015 directing the petitioner to prefer an appeal before the competent authority. Based upon that the petitioner preferred an appeal to the Commissioner, Bilaspur Division where the case was registered as Appeal Case No. 51A/89/2017-18. The commissioner vide his order dated 19.07.2018 allowed the appeal and had quashed the order dated 03/09/2014.

2. The petitioner further submits that State Government had challenged the order passed by the Commissioner before the Secretary, Government of Chhattisgarh and who in turn has allowed the revision of the State Government. The order of Secretary is not under challenge in the present writ petition. Neither is the order of termination dated 03.09.2014 under challenge in the present case. What is under challenge is the enquiry report dated 30.08.2014. Since the subsequent development that have taken place pursuant to the enquiry report and those are not under challenge in the present writ petition, the petition itself may not be maintainable.
3. The petitioner at this juncture prays for withdrawal of the writ petition with liberty to challenge the subsequent development i.e. order dated 03.09.2014 and subsequent orders passed by the Secretary, Government of Chhattisgarh quashing the order passed by the Commissioner, Bilaspur dated 19.07.2018.
4. Reserving the right of the petitioner to challenge the subsequent developments, the present writ petition in its present form stands dismissed as withdrawn.

Sd/-
(P. Sam Koshy)
Judge