

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition NO.178 OF 2018**

1. Nisha Shriwas D/o Shri Basant Lal Shriwas, Aged About 44 Years R/o New Baradwar, District Janjgir Champa Chhattisgarh.
2. Avinash Tiwari S/o Shri Dinesh Tiwari, Aged About 45 Years R/o New Baradwar, District Janjgir Champa Chhattisgarh.

...Petitioner(s)**Versus**

1. Smt. Bharti Dubey Aged About 35 Years Now (Ku. Bharti Pandey W/o Priy Dubey), R/o Naya Baradwar, Tahsil Sakti, District Janjgir Champa Chhattisgarh.
2. State Of Chhattisgarh Through The Secretary, Department Of Urban Development And Administration, Mantralaya, D.K.S. Bhawan, Raipur (CG).
3. Commissioner/appellate Authority, Directorate Urban Administration And Development, Raipur Chhattisgarh.
4. Nagar Panchayat Naya Baradwar, Through Its Chief Municipal-Officer, District Janjgir Champa Chhattisgarh.
5. The Collector, Janjgir, District Janjgir Champa Chhattisgarh.

... Respondent(s)**Review Petition NO.183 OF 2018**

1. Avinash Tiwari S/o Shri Dinesh Tiwari, Aged About 45 Years R/o New Baradwar, District Janjgir Champa Chhattisgarh.
2. Nisha Shriwas D/o Shri Basant Lal Shriwas, Aged About 44 Years R/o New Baradwar, District Janjgir Champa Chhattisgarh.

...Petitioner(s)**Versus**

1. Ramsharan Yadav S/o Dujram Yadav, Aged About 35 Years R/o Village Baradwar, Tahsil Sakti, District Janjgir Champa Chhattisgarh.
2. State Of Chhattisgarh Through The Secretary, Department Of Urban Development And Administration, Mantralaya, D.K.S. Bhawan, Raipur Chhattisgarh.
3. Commissioner/appellate Authority, Directorate Urban Administration And Development, Raipur Chhattisgarh.
4. Nagar Panchayat Naya Baradwar, Through Its Chief Municipal-Officer, District Janjgir Champa Chhattisgarh.
5. The Collector, Janjgir, District Janjgir Champa Chhattisgarh.
6. Tiketram Suryavanshi S/o Guharam, R/o Bhagodih, Tahsil Sakti, District Janjgir Champa Chhattisgarh.
7. Smt. Bharti Dubey W/o Priya Dubey, Aged About 35 Years R/o Naya Baradwar, Tahsil Sakti, District Janjgir Champa Chhattisgarh.

... Respondent(s)

For Petitioners	:	Shri Pranjal Sharma, Advocate.
For Respondent-State	:	Shri Rahul Mishra, Dy. Govt. Advocate.
For Respondent No.1	:	Shri Ajay Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

19.02.2019

1. These two review petitions have been filed seeking review of the joint order dated 27.08.2018 passed in WPS Nos. 6936 of 2009 and 1102 of 2010.
2. The main ground on which the review has been sought for is that, this court while disposing of the said writ petitions had taken note of the Rules enumerated in the Chhattisgarh Nagar Palika Shiksha Karmi (Recruitment and Conditions of Service) Rules, 1998, and where Rule 12 provided only for the first appeal that was before the Collector against the order passed by the Nagar Panchayat.
3. According to the applicants, since Rules, 1998 did not have provision for a second appeal, the General Rules, 1968 i.e. Chhattisgarh Municipal Employees (Recruitment and Conditions of Service) Rules, 1968, which has provision for second appeal, would be applicable, and therefore, the second appeal was infact maintainable and there was no illegality as such committed by the authorities concerned. Therefore, the order passed by this court requires reconsideration.
4. This court is of the opinion that the said view of the petitioner may not be sustainable for the reason that the applicants themselves did not dispute that Rules, 1998 is applicable upon the service conditions of the applicants as well as petitioners before the writ court. Rules, 1998 specifically provides for an appeal against the order passed by the Nagar Panchayat and Nagar Palika Parishad. Once when the Rules, 1998 provides for a provision of one appeal, that itself is sufficient to indicate

that the law makers had deliberately excluded the further channel of appeal which by itself mean that there was a provision of preferring one appeal against the order passed by the Nagar Panchayat/Nagar Palika Parishad. Under such circumstances, it cannot be said that for the purposed of first appeal Rules, 1998 would be applicable and for the purpose of further appeal, the General Rules, 1968 would be made applicable.

5. This court does not find the same to be a strong ground which would require review of the order passed by this court on 27.08.2018 in WPS Nos. 6936 of 2009 and 1102 of 2010.
6. Given the said facts, both the review petitions stand dismissed.

Sd/-

(P. Sam Koshy)
Judge