

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 237 of 2020****{Arising out of order dated 11.02.2020 passed by the learned Single Judge in
WPS No. 7001 of 2019}**

- Dhan Sai Yadav S/o Late Bhikham Prasad Yadav Aged About 59 Years Presently Posted As Working As Chief Executive Officer, Incharge , Janpad Panchayat , Pamgarh, District Janjgir Champa, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.
2. Development Commissioner Chhattisgarh Indrawati Bhawan, Atal Nagar, Naya Raipur , District Raipur , Chhattisgarh.
3. Shri Laxmi Kant Kaushik Assistant Project Officer, Zila Panchayat, Mungeli, District Mungeli, Chhattisgarh.

---- Respondents

For Appellant	:	Shri N. Naha Roy, Advocate.
For Respondent-State	:	Shri Vikram Sharma, Dy. GA.
For Respondent No. 2	:	Shri Ashish Surana, Advocate.
For Respondent No. 3	:	Shri K. Rohan, Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge

Judgment on Board**Per P. R. Ramachandra Menon, Chief Justice****01.10.2020**

1. The Appellant is stated as aggrieved by the judgment dated 11.02.2020 passed by the learned Single Judge in WPS No. 7001 of 2019.
2. In response to a query raised by this Court as to whether the Appellant disputes the observation as to the 'factual aspects' mentioned by the learned

Single Judge in paragraphs 2 and 3, the learned counsel submits that all the material particulars have not been looked into and there is some mistake in the reference as to the factual aspects. The learned counsel seeks to place reliance on Annexure A/2 proceeding No. 841 / वि -2 /स्था. /2017 dated 28.02.2017 to buttress the said submission.

3. The learned counsel for the Respondent No. 3 submits that the point now sought to be projected by the Appellant was also brought to the notice of the learned Single Judge. It is stated that there was proper consideration of all the facts and figures and it was thereafter that the learned Single Judge declined interference, dismissing the writ petition.
4. If there is actually any mistake or omission, it is for the Appellant to bring it to the notice of the learned Single Judge at the first instance. We do not intend to make any opinion in this regard. The learned counsel for the Appellant submits that the Appellant might be permitted to withdraw the appeal without prejudice to rights and liberties to file appropriate proceedings before the learned Single Judge, in accordance with law. We do not find it necessary to go into the disputed question of facts, in the said circumstance.
5. Granting liberty as above, the writ appeal stands dismissed as withdrawn.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge