

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4623 of 2020**

1. Dharmendra Shrivastava S/o Late Shri K.L. Shrivastava Aged About 55 Years R/o Dantewada, District Dantewada, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Urban Administration And Development Department Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh
2. Director Directorate, Urban Administration And Development Department Indrawati Bhawan, Raipur, District Raipur, Chhattisgarh
3. Commissioner Bastar Division, Jagdalpur, District Bastar, Chhattisgarh
4. Collector Dantewada, District South Bastar- Dantewada, Chhattisgarh
5. Chief Municipal Officer Nagar Palika Parishad, Dantewada, District Dantewada, Chhattisgarh

---- Respondents

For Petitioner : Shri Shrawan Agrawal, Advocate.

For State : Shri Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****02.12.2020**

1. The limited grievance of the petitioner in the present writ petition is that the second appeal preferred by the petitioner against the order of termination dated 06.05.2017 and the rejection of appeal dated 20.12.2018 having been set aside by the Commissioner vide order dated 03.07.2020. The respondents are duty bound to comply with the order of the Commissioner and taking him back in service which the respondents till date have not done.
2. The petitioner recently has been served with a correspondence by the respondent No. 5 intimating that against the order of the Commissioner dated 03.07.2020, the Department has already filed a revision petition before the Secretary Urban Administration and Development Department, Raipur and the revision is pending consideration before the said authority.

3. The grievance of the petitioner herein is that though there may be a revision preferred by the authorities against the order of Commissioner dated 03.07.2020, however unless the order is stayed by the Revisional Authority the respondents are duty bound to comply with the said order and take the petitioner back in service and proceed further in-terms of the order as has been passed by the Commissioner
4. According to the petitioner, pendency of a revision petition or filing of a revision petition by itself would not be a reason for not complying with the direction given by the Commissioner.
5. Given the said grievance of the petitioner, this Court is of the opinion that the writ petition itself can be disposed of at this juncture with a direction that the respondent no. 5 should ensure that the order dated 03.07.2020 passed by the Commissioner is complied in its letter and spirit at the earliest, unless the operation of which has been stayed by the Revisional authority. If at all, if the respondents have preferred a revision petition and which is still pending in the absence of an interim order, there is no reason why the order should not be complied with, subject to the outcome of the revision petition.
6. Given the said observation, let an appropriate decision be taken by the respondent No. 5 within a period of 45 day from the date of receipt of copy of this order.
7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge