



IN THE HONOURABLE HIGH COURT OF CHHATTISGARH AT

BILASPUR.

(2)

WRIT PETITION NO. 171 /2001

PETITIONER :

KedarNath Rathore

S/o. Shri T.R. Rathore, Age 40
years, R/o. Village Kachanda
Via Sakti, Distt. Bilaspur
'Chhattisgarh'

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CLERK TO A.G. BILASPUR

RESPONDENTS :

V E R S U S

P. R. No. 158/2001
Presented by Shri J.C. Bera
dated 3.2.2001

1. The State of Chhattisgarh
Through : Secretary Department
of Transport Raipur (C.G.).
2. The Regional Transport
Authority, Bilaspur (C.G.).
3. Triloki Nath Soni
Village Portha, Tahsil
Sakti, Distt Janjgir-Champa
(C.G.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION
OF INDIA.



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आदेश पत्रक
W.P.No. 171/2001

सामान्य क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
28.3.2001	<p>Petitioner by Shri R.N. Jha, Advocate.</p> <p>Respondent-State by Dr. N.K. Shukla, Dy. A.G.</p> <p>Heard.</p> <p>Upon hearing on both the sides and on perusal of the averments made in this writ petition and also upon perusal of Section 74 of the M.P. Re-organization Act, 2000, I am of the view that the matter ought to have been agitated before the State Transport Appellate Tribunal located at Gwalior in the State of Madhya Pradesh. In fact a preliminary objection has been raised on behalf of the State that this petition is not maintainable in view of the provision of Section 74 of the aforesaid Act. Section 74 Clause (1) is as follows:</p> <p>"74. Jurisdiction of the Commissions, Authorities and Tribunals. - (1) Notwithstanding anything contained in any law for the time being in force every Commission, Authority, Tribunal, University, Board or any other body constituted under a Central Act, State Act or Provincial Act and having jurisdiction over the existing State of Madhya Pradesh shall on and from the appointed day continue to function in the successor State of Madhya Pradesh and also exercise jurisdiction as existed before the appointed day over the State of Chhattisgarh for a maximum period of two years from the appointed day or till such period as is decided by mutual agreement between the successor States."</p>	

[पीछे देखिये]

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमोंक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>On close reading of this provision I have no doubt in my mind that the State Transport Appellate Tribunal at Gwalior should have jurisdiction to examine the grievance of the writ petitioner. It is stated at the bar by the learned counsel for the petitioner that the Tribunal at Gwalior refused to entertain the grievance of the petitioner. There can be no refusal on the part of the State Transport Appellate Tribunal at Gwalior to entertain the appeal submitted by the petitioner inasmuch as to do so ^{will} when clearly contravene the provisions of Section 74 Clause (1) as quoted above.</p> <p>In this view of the matter this Court ^{need not} examined the matter further. I am of the opinion that it would be just and fair that this petition be disposed of at this stage as follows:</p> <p>Let the writ petitioner approach the State Transport Appellate Tribunal at Gwalior by presenting appropriate petition/appeal. Let it be done not later than within 20 days from today. If such petition for a period is presented before the said Appellate Authority within a period of 20 days, delay if any, shall not stand in the way of such petition or appeal and the petition/appeal shall be examined and decided on merits.</p> <p>Certified copy, today.</p>	<div data-bbox="779 1849 1380 2010" style="border: 1px solid black; padding: 5px; text-align: center;"> <p>Sd/- Chief Justice</p> </div>

Thakur.