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IN THE HONOURABLE CHHATTISGARH HIGH
COURT OF JUDICATURE AT BILASPUR

WRIT PETITION No. 906 / 2001.

PETITIONER:

C.K. Mahilane, Asst. Teacher, Tribal
Welfare Primary School (Adim Jati
Kalyan Prathamik Shala), Maraga, Block
- Manora, District: Jashpur Nagar,
Chhattisgarh.

Versus

RESPONDENTS:

01. The State of Chhattisgarh, Through it's
Chief Secretary, D.K.S. Bhawan, Raipur,
Chhattisgarh.
02. District Collector, District: Jashpurnagar,
Chhattisgarh.

944/2001
by Shri M.K. B. Negi

Writ Petition under article 227/ 226 of the constitution of
India.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P.No. 906/2001.

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
24.5.2001.	<p>Shri Raj Kamal Singh, learned counsel for the petitioner.</p> <p>Dr.N.K.Shukla, learned Dy. Advocate General, for the State.</p> <p>Heard.</p> <p>The petitioner's case was first dealt with by the learned Additional Collector. Being aggrieved by the order passed by the learned Additional Collector, an appeal was preferred before the learned Collector. In para 6 of the order passed by the learned Collector, it has been recorded that the learned Additional Collector had not decided the case in accordance with the provisions of law. It is also recorded that the petitioner was not given adequate opportunity for cross-examination. However, on the same material recorded by the learned Additional Collector, the learned Collector passed an order of punishment by with-holding one increment and further that the petitioner would not be entitled to any benefits other than subsistence allowance already paid to the petitioner.</p> <p>Dr.N.K.Shukla submits that the matter is wholly within the purview of the State Administrative Tribunal, inasmuch as the matter concerns the service conditions of the petitioner.</p>	

[पीछे देखिये]

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p style="text-align: center;">-2-</p> <p>Upon careful perusal of Section 28 of the Administrative Tribunals Act, 1985, I am of the view that the State Administrative Tribunal should have jurisdiction in the matter.</p> <p>Mr. Raj Kamal Singh, learned counsel for the petitioner submits that in certain situations, where the authority has acted without jurisdiction, this Court can well interfere.</p> <p>I am inclined to hold that the petitioner should approach the State Administrative Tribunal, inasmuch as I am of the view that the petitioner has complete remedy before the said authority. I am, therefore, inclined not to accept this petition. If the petitioner approaches the State Administrative Tribunal, the matter should be decided expeditiously, preferably within three months from the date of receipt of the petition.</p> <p>Subbu. With this direction, the petition is disposed of.</p> <p style="text-align: right;">Sd/- Chief Justice</p>	

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26/3/07