

## IN THE HONOURABLE CHHATTISGARH HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION No. \_\_\_\_966\_\_/ 2001.

PETITIONER:

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

Versus

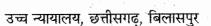
RESPONDENTs:

01. The State of Chhattisgarh, Through it's Chief Secretary, D.K.S. Bhawan, Raipur, Chhattisgarh.

02. District Collector, District: Jashpurnagar, Chhattisgarh.

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

William W.



## आदेश पत्रक พ.Р.No. 906/2001. मामला क्रमांक सन् 200

.... विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित को आदेश हस्ताक्षर सहित को अन्तिम आदेश

24.5.2001.

Shri Raj Kamal Singh, learned counsel for the petitioner.

Dr.N.K.Shukla, learned Dy.Advocate General, for the State.

Heard.

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 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 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.

Dr.N.K.Shukla submits that the matter is wholly within the purview of the State Administrative Tribunal, inasmuch as the matter concerns the services conditions of the petitioner.

चिछे देखिये

आदेश का दिनांक आदेश क्रमांक सहित

आदेश हस्ताक्षर सहित

कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

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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.

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.

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.

Subbu.

with thes direction, the petition is discosed of.

Sd/-**Chief Justice** 

GRPRJ-FS/311-1/2001-50,000.