

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAI PUR

O R D E R

S. B. CIVIL WRIT PETITION NO. 6420/2011

SUKHVEER SINGH

Vs.

THE ARBITRATOR & MANAGER (ADMINISTRATION &
PERSONNEL), RAJASTHAN STATE CO-OPERATIVE
CONSUMER FEDERATION LTD. & ORS.

DATE: 30.08.2011

HON'BLE MR. JUSTICE NARENDRA KUMAR JAIN-I

Mr. G.P. Sharma, for the petitioner.
Mr. Prahlad Sharma, for the respondent No. 4.

The matter has come for orders on an application filed by respondent No. 4 under Article 226(3) of the Constitution of India for vacation of ad interim ex-parte stay order, but at the request of learned counsel for the parties, arguments were heard and the writ petition is being disposed off finally.

2. Learned counsel for respondent No. 4 submitted that the writ petition was filed for the purpose of interim stay order during pendency of the appeal before the Rajasthan State Co-operative Tribunal (for short 'the Tribunal') as the Presiding Officer of the Tribunal was not available at the relevant time. He submits that Presiding Officer in

the Tribunal is now available and quorum is also complete, therefore, petitioner can argue his stay application before the Tribunal itself.

3. Learned counsel for petitioner submits that notices of his appeal as well as stay petition, both, have been issued and next date in the Tribunal is 14.10.2011 and he will argue his stay application on that day, therefore, while disposing off this writ petition, the interim order passed by this Court may be extended till next date, fixed in the Tribunal.

4. Learned counsel for respondent No.4 submitted that he has already appeared before the Tribunal and he is the only contesting party, the matter is of an urgent nature, the petitioner is deliberately delaying the matter, therefore, petitioner may be directed to make a request before the Tribunal to hear his stay application, at an early date or this Court may direct the Tribunal to dispose off the stay application at the earliest.

5. After considering submissions of learned counsel for the parties and other

facts and circumstances of the case, I think it fit and proper to direct the Tribunal to hear and decide the stay application of the petitioner at an early date. Consequently, the writ petition, stay application and application filed by respondent No.4 under Article 226(3) of the Constitution of India, are disposed off with a direction to petitioner as well as respondent NO.4 to appear before the Rajasthan State Co-operative Tribunal on 08.09.2011 and Tribunal is directed to hear and decide the stay application of petitioner on the same day or at the most, before 12.09.2011, positively. The interim order passed by this Court will continue up to 12.09.2011.

6. It is needless to mention that Tribunal will hear and decide the stay application as well as appeal, independently, in accordance with law, without being influenced by passing of interim order by this Court or any observation made in this order.

(NARENDRA KUMAR JAIN-I), J.

/KKC/