

The High Court Of Madhya Pradesh**WP-13820-2021***(MAHENDRA KUMAR VISHWAKARMA Vs THE STATE OF MADHYA PRADESH AND OTHERS)***Jabalpur, Dated : 31-07-2021****Heard through Video Conferencing.**

Shri Ayur Jain, learned counsel for the petitioner.

Shri Devendra Gangrade, learned Panel Lawyer for the respondents/State.

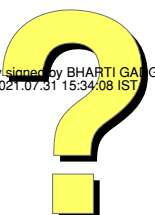
Heard.

By this petition, the petitioner is making an innocuous prayer that his application for stay which has been filed subsequently before the Principal Secretary, Tribal Department, Bhopal, be heard before taking any coercive action against him.

The case of petitioner is that a charge sheet was issued to him and in reply to which he asked for a departmental enquiry. However, without conducting any departmental enquiry a final order imposing penalty and recovery of amount Rs..4,43,546/- has been passed. It is stated that the petitioner has filed the appeal against the order dated 06.03.2021 on 31.05.2021, however, with the appeal no application for stay was filed. It is stated that the appeal is still pending and realizing his mistake and as also that the department is threatening to start recovery from his salary a stay application has been filed before the appropriate authority through registered post. It is stated that the petitioner is under threat and constant pressure that the department will start recovery of the said amount from his salary while his appeal is still pending. It is prayed that the authority concerned may be directed to decide his application for stay as well as appeal at the earliest.

Learned counsel for the respondents/State has pointed out that the application for stay was not submitted before the authority but sent by a registered post on 27.07.2021 which could not have been received by the authority concerned till date.

Considering the aforesaid, the petitioner is directed to appear before



the Principal Secretary, Tribal Department, Bhopal, along with a physical copy of the stay application as well as certified copy of the order passed today, who in turn shall decide the stay application of the petitioner within a period of 15 days from the date of receipt of certified copy of the order passed today.

Till the application for stay is decided or for a period of 15 days, whichever is earlier, the respondents are restrained from taking any coercive action against the petitioner.

With the aforesaid direction, this petition stands disposed of.

Certified copy/e-copy as per rules/directions.

**(NANDITA DUBEY)
JUDGE**

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