



2025:CGHC:39551

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPC No.1893 of 2022Career Public School **Versus** Shri Rajesh Yadav

20/4/2022	Mr. S.P. Kale, Advocate for petitioner. Mr. Rahul Jha, Govt. Advocate for respondent No.3. Heard. Issue notice to respondents as per rules. PF be paid within a week. Learned counsel representing respondent No.3 accepts notice, hence process fee is not required to be paid for issuance of notice to respondent No.3. Also heard on I.A.1/2022, an application for grant of interim relief/stay. Learned counsel for petitioner would submit that respondent No.1 preferred an appeal before the Appellate Authority, Korba under the Chhattisgarh Shops and Establishment Act, 1958 challenging his illegal retrenchment / removal from service. In said application/ appeal, Director and Principal of City College, Indira Stadium, Mudapaar, District Korba (CG) have been arrayed as non-applicants. Appellate Authority decided appeal against non-applicants therein vide order dated 30.11.2007. Respondent No.1 filed execution proceedings under Sections 146 & 147 of the Chhattisgarh Land Revenue Code, 1959 for recovery of amount forming part of order dated 30.11.2007. Revenue Recovery Certificate (RRC)



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was issued by Tahsildar, Korba against Director, City College, Indira Stadium, Mudapar, District Korba, adding name of petitioner-'Career Public School' within bracket. He contended that execution proceedings cannot be instituted against an institution which is not a party to original proceedings i.e. proceeding before Appellate Authority on an appeal preferred by respondent No.1. In support of his contention, he referred to Annexure P-1, perusal of which shows that in the address portion of addressee i.e. Director, City College, Mudapaar, "Carrier Public School" is mentioned within bracket. He also contended that 'City College' is running within the campus of Carrier Public School and for this reason only, the order passed against City College, Mudapaar, District Korba cannot be made executable against petitioner.

Considering submissions of learned counsel for petitioner as also documents placed on record, it is directed that recovery proceedings against petitioner pursuant to demand notice dated 30.3.2022 (Annexure P-1) shall remain stayed till next date of hearing.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-