

(Dr.) Mohan Tiwari Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Jan-08-2013

Appellant : (Dr.) Mohan Tiwari

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Hemant Shrivastava

Judgement :

WRIT APPEAL No.1207/201

08. 01.2013 Shri Hemant Shrivastava, learned Counsel for the appellant.

Shri Vijay Pandey, learned Deputy Advocate General, for the respondents-State.

Admit.

Taken up for final hearing by consent of parties.

This intra court appeal has been filed by the appellant under Section 2(1) of the M.P.Uchcha Nyayalaya (Khand Nyayapeeth Ko Appeal) Adhiniyam, 2005, against the order dated 24.09.2012 passed in W.P.No.15701/2012 (S) by the learned Single Judge.

Having heard for sometime, we are of the opinion that interest of justice would be served if the appellant is allowed to raise preliminary objection against the departmental action being initiated against him, to satisfy the authorities that the

claim when made was legal and, therefore, he should not be proceeded against on that ground.

The respondents shall consider the preliminary objection and decide the same in accordance with law within a period of four weeks after receipt of the preliminary objection.

With this modification, there is no need to entertain the appeal any further.

The writ appeal is accordingly disposed of.

Certified copy as per rules.

(S.A.Bobde) (K.K.Trivedi) Chief Justice Judge Skc

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