

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 419 of 2015**

1. State of Chhattisgarh, Through its Executive Engineer, Irrigation Department Nayapara Jagdalpur, Bastar, Presently the Executive Engineer, Water Resources Department, Jagdalpur Division Tehsil Jagdalpur Civil and Revenue District Bastar Chhattisgarh.
2. Superintending Engineer, Irrigation Department, Nayapara Jagdalpur, District Bastar, Chhattisgarh, Now the Superintending Engineer, Water Resources Department, Jagdalpur Division, Tehsil Jagdalpur, Civil and Revenue District Bastar, Chhattisgarh.

---- Appellant

Versus

Pyarelal Yadav (since deceased) through his Legal Representatives:

1. Ch. Manju Rao (daughter) aged about 32 years, W/o Ch. Sajesh Rao, OP Gurudwara Sardar Vallabh Bhai Ward Jagdalpur Chhattisgarh, District Bastar.
2. Smt. Barkha Yadav (daughter) aged about 30 years, W/o Shri Sunil Yadav, RES Colony Near Shiv Mandir, Qtr. No. 01, Kondagaon, Chhattisgarh, District Kondagaon.
3. Smt. Sheetal Yadav (daughter) Aged about 28 years, W/o Shri Rakesh Yadav, Near Old P.S. Bodhghat, Beside Supermarket, Dongari Para, Jagdalpur, Chhattisgarh District Bastar.
4. Shri Vikash Yadav (Son) Aged about 26 years, S/o Pyarelal Yadav, Near Old P.S. Bodhghat, Beside Supermarket, Dongari Para, Jagdalpur Chhattisgarh, District Bastar.
5. The Labour Court, Jagdalpur, Tehsil Jagdalpur, Civil and Revenue District Bastar Chhattisgarh.

---- Respondents

For Appellants/State : Shri UNS Deo, Government Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Judgment on Board**Per Navin Sinha, Chief Justice****08/09/2015**

1. I.A. No. 1 of 2015 has been filed to condone delay of 857 days in filing the appeal.

2. The impugned order was passed on 17.1.2013. According to the application for condonation of delay, the officer-in-charge for pursuing the matter in appeal was appointed on 11.3.2015 after which necessary approvals were sought and appeal filed.

3. Bureaucratic procedures by pushing of files from one table to another with complete inaction for two years can never be an explanation for delay. In fact, the Appellants ought to have fixed responsibility first for having taken no action for two long years before filing the appeal. There is no sufficient cause pleaded in the appeal for condonation.

4. According to the Appellants themselves, the employee has already been deceased on 7.7.2013 itself. The Appellants have sought to implead the legal heirs except for the wife who has herself been deceased also on 30.3.2014. The appeal therefore for all purposes has become infructuous.

5. The Labour Court held the Irrigation Department to be an industry which has been upheld by the Learned Single Judge. A bare reference to (2013) 16 SCC 16 (State of Maharashtra v. Sarva Shramik Sangh, Sangli) reinforces the correctness of the view taken by the Learned Single Judge with regard to the Irrigation Department of the State Government being an industry. No sufficient ground has been made out to condone delay. The application for condonation of delay is dismissed.

6. Consequently, the appeal itself fails.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE