

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No. 138 of 2014**

1. C.G. State Co-operative Marketing Federation Ltd., through the Managing Director, 880, Civil Lines, Raipur (C.G.)
2. The Secretary, C.G. State Co-operative Marketing Federation Ltd., 880, Civil Lines, Raipur (C.G.)
3. The Chief Accounts Officer Cum Assistant Financial Controller C.G. State Co-operative Marketing Federation Ltd., 880, Civil Lines, Raipur (C.G.)

---- Petitioners

Versus

Girja Prasad Mishra, s/o L.K.P. Mishra, 61 years, R/o Rohinipuram
Near Indian Gas Agency, Danganiya, Raipur (C.G.)

---- Respondent

For Petitioners	:	Shri Prafull Bharat, Additional Advocate General.
For the Respondent	:	Shri Parag Kotecha, Advocate.

**HON'BLE SHRI NAVIN SINHA, ACTING CHIEF JUSTICE &
HON'BLE SHRI PRITINKER DIWAKER, J.**

Order On Board**Per NAVIN SINHA, ACTING C.J.****07/04/2015**

1. I.A. No. 01 of 2014 has been filed to condone delay of 510 days.
2. We have heard counsel for the parties and in the limited nature of the review jurisdiction sought to be invoked having wider implications beyond the individual case we consider it appropriate to condone the delay.
3. The present review application arises from order dated 17.04.2013 in Writ Appeal No. 249 of 2013.

4. Learned Additional Advocate General submits that he does not invoke the review jurisdiction for reconsideration of any matter or issue in so far as the present Respondent is concerned. The Petitioners accept finality of the order with regard to them. Confining the submission to the observation in paragraph 15 of the order that there was no provision under the Rules for taking action against a superannuated employee he submits that it is an error of record. Rule 25(A)(23) of the Chhattisgarh State Co-operative Marketing Federation Sewa Niyam, 2007 (hereinafter called 'the Rules') provides for departmental action within a period of two years from superannuation.

5. Learned counsel for the Respondent submits that if the Petitioners accept the finality of the impugned order in so far as he is concerned, he has no objection to the review application.

6. The review application is allowed to the extent that the observations contained in paragraph 15 of the order are held to be an error of record in view of Rule 25(A)(23) which provides for initiation of departmental proceedings against superannuated employees within two years of superannuation to be conducted in the manner prescribed.

7. With the above observation, the review application is allowed to the limited extent indicated only.

(Navin Sinha)
ACTING CHIEF JUSTICE

(P. Diwaker)
JUDGE