

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 560 of 2015**

Kartik Ram Nag S/o Duktur Ram, Aged About 35 Years Constable No. 700, 30th Battalion Special Armed Forces Jagdalpur, R/o Village Jaitpuri, Tahsil Kondagaon, District Bastar, (Chhattisgarh)

---- Appellant

Versus

1. State Of Madhya Pradesh Through Its Secretary To The Government Home (Police) Department, Bhopal, Madhya Pradesh (Now State Of Chhattisgarh, Through Its Secretary, Home And Police Affairs Department, Mahanadi Bhawan, New Mantralaya, District Raipur, Chhattisgarh)
2. Deputy Inspector General Of Police, Special Armed Forces, Bhilai, District Durg, (Madhya Pradesh) (Now Chhattisgarh)
3. The Commandant 30th Battalion, Special Armed Forces, Jagdalpur, District Bastar (Madhya Pradesh) (Now Chhattisgarh)

-----Respondents

For Appellant:	Shri Ravi Kumar Bhagat, Advocate.
For Respondents/State:	Shri B. Gopa Kumar, Deputy Advocate General.

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment on Board**Per Navin Sinha, Chief Justice****26/11/2015**

1. I.A. No.1/2015 has been filed to condone delay of 1871 days in preferring the appeal.
2. The appeal arises from order dated 15.7.2010 dismissing Writ Petition (S) No.1081/2005 declining to interfere with the termination ordered pursuant to a departmental proceeding on 10.12.1994 affirmed by the Appellate Authority on 21.2.1995. The Appellant was a Constable (No.700) in 30th Battalion, Special Armed Forces of the State Government.
3. Learned Counsel for the Appellant submits that the delay was not intentional but bona fide. The Appellant resides in a remote area and was under the impression that the Writ Petition was still pending. He was made

aware of the dismissal of the Writ Application only in September, 2015. The delay may therefore be condoned and the matter be considered on merits.

4. Delay can be condoned provided sufficient cause is shown. The duration of delay, the nature of the case, the possibility of third party rights accruing are all relevant factors to be taken into consideration along with the explanation furnished in support of the same.

5. The delay is inordinate of 1871 days. The explanation that he came to know about it in September, 2015 with no disclosure of the source or why he did not make inquiries earlier after he had filed a Writ Petition coupled with the fact that delay has always been considered vital in service matters where the vacancy would not have been kept reserved waiting for the Appellant to pursue remedies and would have been filled up by another till now creating third party rights, do not warrant condonation of the delay.

6. In the entirety, we are not satisfied to condone the delay. The application for condonation of delay is rejected.

7. The appeal consequently fails.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE