

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 418 of 2015**

Shri Atma Ram Rahangdale, son of Shri C.L. Rahangdale, aged about 55 years, Sub-Engineer, Municipal Corporation, R/o Zone-1, Street No.2(B), New Adarsh Nagar, Civil/Revenue District Durg

---- Appellant**versus**

1. The Commissioner, Municipal Corporation, Durg, Chhattisgarh
2. Shri Mohan Puri Goswami, Asstt. Engineer, Lok Karma Vibhag, Municipal Corporation, Durg, (MP) (Now Chhattisgarh)
3. The State of Madhya Pradesh, Sthaniya Shashan Vibhag, Bhopal (MP) (Now Chhattisgarh)
4. Rajkumar Pandey, Sub-Engineer, Public Work Department Municipal Corporation, Durg (MP) (Now Chhattisgarh).

---- Respondents

For Appellant	:	Shri H.S.Ahluwalia, Advocate
For Respondent No. 1	:	Ms. Sharmila Singhai, Advocate
For Respondent No. 3/State	:	Shri B. Gopa Kumar, Deputy Advocate General.

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

Judgment on Board**Per Navin Sinha, Chief Justice****22/09/2015**

1. I.A. No. 1 of 2015 has been filed to condone delay of 576 days in preferring the appeal.
2. The appeal arises from order dated 22.11.2013 dismissing Writ Petition No. 2392 of 1996 declining to consider his claim for promotion from the date that his juniors had been promoted.
3. Learned Counsel for the Appellant submits that quite apart from the issue that his juniors Respondents No.2 and 4 have been promoted on 9.11.1995 and 2.11.1996, the Appellant is not even being considered for fresh promotion in accordance with law.

4. Learned Counsel for the Respondents have opposed the condonation of delay submitting that no sufficient cause has been shown.

5. In service matters with regard to promotion, there is always an urgency as with passage of time, third party rights accrue and fructify. The pleadings in the application for condonation of delay states that the Appellant got busy in his day to day affairs and could not keep in touch with his Counsel. It does not explain how he came to know about the order on 20.1.2014 only. He was not aware that he had the remedy of an appeal and time was consumed in consultation with various Advocates with regard to remedies available to him. He had constraints of income. The delay was therefore bonafide and not intentional.

6. The Appellant is not an illiterate and ignorant litigant but holds the post of Sub-Engineer having a qualification of Bachelor of Engineering. It is not possible for us to consider the explanation in the application for condoning delay as reasonable, much less sufficient in nature to condone such a long delay especially when third party rights have arisen according to the Appellant himself.

7. Our reluctance to entertain this appeal on the grounds of limitation alone does not preclude the Respondents from considering the candidature of the Appellant fresh for promotion in accordance with law, but without affecting Respondents No.2 and 4.

8. I.A. No. 1 of 2015 to condone delay is dismissed. The appeal consequently also fails.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE