

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 468 of 2015**

Shyamsunder S/o Shri Paras Ram, aged about 47 years, R/o Dumar Muda, Jhabar, Tahsil Podi Uproda, Civil and Revenue District Korba, Chhattisgarh, Pin 495445.

---- Appellant**Versus**

1. State of Chhattisgarh, Through its Secretary, Water Resources Department, Mantralay New Secretariat Mahanadi Gate, Raipur, P.O. Raipur Main, P.S. Mana, Tahsil Raipur, Civil and Revenue District Raipur, Chhattisgarh 492001
2. Executive Engineer, Minimata Bango Barrage, Division No. 3, Machadoli, Tahsil Podi Uproda, Civil and Revenue District Korba, Chhattisgarh Pin 495445.
3. The Sub Divisional Officer, Minimata Bango Barrage, Sub Division No. 15, Machadoli, Tahsil Podi Uproda, Civil and Revenue District Chhattisgarh, Pin 495445.

---- Respondents

For Appellant	:	Shri Lav Sharma, Advocate.
For Respondents/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****05/10/2015**

1. I.A. No. 1 of 2015 has been filed to condone 400 days delay in filing the appeal.
2. Learned Counsel for the Appellant submits that the reason for delay has been well explained and in the interest of justice, delay may be condoned.
3. Learned Counsel for the State has opposed any condonation of delay urging that the Appellant is not a person vigilant for protection of his rights as the Single Judge has also noticed that he sought to agitate the issue of his

removal 1 ½ decades later rightly declined by the Labour Court.

4. We have considered the submissions.

5. The application for condonation of delay states that the Appellant was not aware of dismissal of review petition as the Counsel did not inform him and therefore he could not collect the original file from his Counsel. After the papers were obtained by the Appellant in July 2015, he contacted the present Counsel who then filed the writ appeal.

6. The order of the Learned Single Judge demonstrates that the Appellant challenged his removal before the Labour Court also 1 ½ decades later.

7. The mere change of a Counsel cannot be urged as a defence to explain delay in filing of appeal. A litigant, who approaches the Court for grant of any relief and engages a Counsel for the purpose, cannot absolve himself of complete responsibility by casting all burden on the Counsel alone. The primary and foremost duty of a litigant is to keep in touch with his lawyer and have updates of his case regularly as it is in the interest of the litigant himself. There may be exceptional cases where for genuine and valid reasons, delay may be condoned.

8. In the present application for condonation of delay, no such genuine reason has been urged to justify why the Appellant was unable to keep in touch with his lawyer. We therefore find no reason to condone this long, inordinate and unexplained delay.

9. I.A. No. 1 of 2015 for condoning delay is dismissed. The appeal consequently fails.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE