

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1813 of 2010

- Mo.Belal, S/o Mo. Aneek, aged about 26 years, resident of village-Rewtipur, Tahsil- Pal, District- Surguja (Chhattisgarh)

-- Petitioner

Versus

1. Dargahi Ram, s/o Jagdev Ram, resident of village Rewtipur, Janpad Panchayat, Ramchandrapur, Tahsil- Pal, district- Surguja (CG)
2. Smt. Suraj Mania W/O Ramsurat, Panch, Gram Panchayat Rewtipur, Janpad Panchayat Ramchandrapur, Tahsil Pal, Distt. Surguja (CG)
3. Smt. Charki W/O Ramlakhan, Sarpanch, Rewtipur, Janpad Panchayat Ramchandrapur, Tahsil Pal, Distt. Surguja (CG)
4. Lakhanram S/O Ramlakhun, Up- Sarpanch, Rewtipur, Janpad Panchayat Ramchandrapur, Tahsil Pal, Distt. Surguja (CG)
5. Gopal Prasad Gupta Panchayat Inspector, Janpad Panchayat Ramchandrapur, Tahsil Pal, Distt. Surguja (CG)
6. State Of Chhattisgarh Through Collector, Surguja, Distt. Surguja (CG)
7. Sub Divisional Officer, (Revenue) Ramanujganj, Distt. Surguja (CG)

--Respondents

For Petitioner	:	Shri Sunil Tripathi, Advocate
For Respondent-1	:	Ms Neha Verma, Advocate
For Respondents-2 to 5	:	None appears
For Respondents- 6 and 7/State	:	Shri AS Kachhawaha, Additional AG

Hon'ble Shri Justice Sanjay K. Agrawal

ORDER ON BOARD

05.07.2016

- 1) The petitioner herein filed an appeal aggrieved by the appointment of respondent- 1 on the post of Panchayat

Karmi, which was dismissed by the Sub-Divisional Officer, Ramanujganj, vide order dated 10.10.2008 without going into merit, holding that the appeal is barred by limitation of 52 days.

- 2) The petitioner challenged the above order before the Additional Collector, Surguja, who in turn, dismissed the same by his order dated 11.05.2009 holding that no sufficient cause was shown in the application for delay in filing the appeal.
- 3) Learned counsel for the petitioner would submit that the petitioner had filed an application for condonation of delay in filing the appeal, therefore, the SDO Ramanujganj ought to have granted an opportunity to file an affidavit and could not have dismissed the appeal straight away, merely on limitation. The SDO should have, rather considered the appeal liberally, unless the delay is deliberate or malafide. Therefore, the matter be remanded to the SDO for fresh consideration on merits.
- 4) Learned counsel for the respondents opposed the submissions made by the petitioner and submitted that the SDO has rightly dismissed the appeal, as the delay application was not supported by an affidavit.

- 5) After having heard learned counsel for the parties, I am of the opinion that sufficient cause has been shown by the petitioner for delay in filing the appeal before the SDO and thereby the orders of the SDO and the Additional Collector are hereby set aside. The matter is remanded back to the SDO, Ramanujganj for hearing it on merits in accordance with law.
- 6) Finally, the matter is remanded to the SDO, Ramanujganj and the SDO, Ramanujganj is directed to hear the matter within three months from the date of receipt of certified copy of this order, as the matter originally arises from the order dated 10.10.2008.

Sd/-
(Sanjay K Agrawal)
Judge