

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT APPEAL NO. 140 OF 2016

- Rameshwar Prasad Sahu, S/o Late Janiram Sahu, aged about 35 years, R/o. Village Kosla, Tahsil Ramgarh, District Janjgir Champa (CG)

... Appellant

Versus

1. State of Chhattisgarh, through : the Secretary, General Affair Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The Directorate, Employment Training Chhattisgarh, through : Director, Women Polytechnic Premises, Bairan Bazar, Raipur, District Raipur (C.G.)
3. Shri Dineshram S/o Somarulal Yadav, aged about 35 years, R/o. Village Jashpur Nagar, District Jashpur (C.G.)
4. Shri Sanju Ram, S/o Lachiram, aged about 36 years, R/o. Nagargaon, Tahsil Raipur, District Raipur (C.G.)
5. Shri Shivshankar, S/o Jagatram, aged about 34 years R/o. Village Kisanpara, Navapara, Tahsil Abhanpur, District Raipur (C.G.)

... Respondents

WRIT APPEAL NO. 142 OF 2016

- Jaipal Prasad Suryavanshi S/o Birbal Prasad Suryavanshi, aged about 38 years, R/o Village Dudga, Post Bhadra, Tahsil Ramgarh, District Janjgir Champa (C.G.)

... Appellant

Versus

1. State of Chhattisgarh, through : the Secretary, General Affair Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The Directorate, Employment Training Chhattisgarh, through : Director, Women Polytechnic Premises, Bairan Bazar, Raipur, District Raipur (C.G.)
3. Jitendra Kumar, S/o Dhajaram, aged about 38 years, R/o Village Bharvideeh, Tahsil Bilaspur, District Bilaspur (C.G.)

... Respondents

For Appellants	:	Mr. G.R. Miri and Mr. Basant Dewangan, Advocates.
For Respondent-State	:	Mr. R.K. Gupta, Deputy Advocate General.

Hon'ble Shri Navin Sinha, Chief Justice

Hon'ble Shri Justice P. Sam Koshy

Order on Board

Per NAVIN SINHA, C.J.

03/05/2016

1. I.A. No. 1 of 2016 has been filed to condone delay of 812 days in filing both the appeals.
2. The challenge in both the appeals is to a common order dated 18.10.2013 in Writ Petition (S) No. 4558 of 2008 and Writ Petition (S) No. 4562 of 2008.
3. In both the writ petitions the challenge was to the appointment of the private Respondents on Class-IV posts claiming higher marks. The eligibility criteria was Class-V pass. The Learned Single Judge noticed that at the relevant time when the private Respondents were studying, regular examination for Class-V was not conducted and therefore they were granted the benefit of general promotion.
4. In matters like the present regarding service, appointment and promotion there is always an urgency. Third party rights undoubtedly accrue in favour of the private Respondents due to delay in filing of appeals. The only ground urged for consideration is that the Appellants are poor persons and after passing of the order of the Learned Single Judge they did not contact their Counsel in due time. Thereafter, they were suffering from financial crisis only after which they contacted their Counsel for filing the appeals.
5. We do not consider the same as "sufficient cause" to condone a long delay of 812 days. A litigant who engages a counsel is required to be vigilant, alert and keep himself aware of the disposal and developments in his case by keeping in touch regularly with his Counsel. If he is not vigilant for protection of his own interests by keeping regular contact with his Counsel, the Court will not come to the aid of such an indolent litigant.

6. I.A. No. 1 of 2016 in both the appeals for condonation of delay are rejected. The appeals consequently fail and are dismissed.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge

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