

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.5823 of 2016

Dhirendra Sharma, S/o late Prayagdutt Sharma, aged about 63 years, R/o Qtr. No.A-13, Vinoba Nagar, Near Gayatri Mandir, Bilaspur, Police Station Tarbahar, Post Office Bilaspur, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Urban Administration and Development, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (C.G.)
2. Director, Urban Administration and Development, Directorate, Indravati Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (C.G.)
3. Commissioner, Urban Administration and Development, Directorate, R.D.A. Building, Raipur, District Raipur (C.G.)
4. Joint Director, Urban Administration and Development, Bilaspur, District Bilaspur (C.G.)

---- Respondents

For Petitioner:	Mr. Manoj Paranjpe, Advocate.
For State/Respondents:	Mr. Prasoon Kumar Bhaduri, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/11/2016

1. The petitioner was dismissed from service by the State Government on 30-5-2013 against which he preferred appeal to the appellate authority and the appellate authority by order dated 20-7-2016 / 18-7-2016 dismissed the appeal holding that the appeal filed after three years from the date of

termination is not acceptable.

2. Mr. Manoj Paranjpe, learned counsel for the petitioner, submits that the appellate authority has not assigned any reason for rejecting the appeal and simply it has been dismissed stating that the appeal is not acceptable. He further submits that the petitioner is suffering from paralysis and the District Medical Board has issued a certificate that the petitioner is suffering from paralysis.
3. Mr. Prasoon Kumar Bhaduri, learned Government Advocate appearing on behalf of the State/respondents, submits that no application for condonation of delay was filed along with the appeal.
4. I have heard learned counsel for the parties, perused the documents annexed with the petition and given thoughtful consideration to the submissions raised therein.
5. Since the appellate authority has not assigned any reason while dismissing the appeal and not passed reasoned order as to whether the reason assigned for delay in filing the appeal is not sufficient, the impugned order passed by the appellate authority is set aside and the case is remitted back to the appellate authority. The petitioner shall file application with additional affidavit assigning the reason for delay in filing the appeal, within 30 days from today and on such affidavit, the appellate authority will do well to consider the application

for delay holding whether sufficient cause has been shown for delay and pass a reasoned order on the application for condonation of delay. The appellate authority shall pass fresh order on merit after affording opportunity of hearing to the parties on appeal expeditiously if application for condonation of delay is allowed.

6. With the aforesaid direction, the petition stands disposed of.

No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge