

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 485 OF 2016

Sanjay Kumar Mahar S/o Devideen Mahar Bhoi, aged about 30 Years, Shiksha Karmi Grade III (Removed), Primary School, Marhi Kapa, Tahsil Takhatpur, Dist. Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Department of Panchayat & Rural Development, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (C.G.).
2. Director, Directorate of Panchayat, Chhattisgarh, Indrawati Bhawan, Naya Raipur, Raipur (C.G.)
3. Additional Commissioner, Bilaspur Division, Bilaspur (C.G.)
4. Collector, Bilaspur (C.G.)
5. Janpad Panchayat, Takhatpur, Dist. Bilaspur (C.G.), through the Chief Executive Officer, Janpad Panchayat, Takhatpur, Dist. Bilaspur (C.G.)

---- Respondents

For Petitioner :	Mr. B.D. Guru, Advocate
For State :	Mr. Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

09/03/2016

1. Learned counsel for the petitioner would submit that his revision preferred before the State Government

has been dismissed summarily on the ground that it is barred by limitation though the application for condonation of delay under Section 5 of the Indian Limitation Act was filed which is impermissible and bad in law.

2. Section 6 of the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995 (in short 'Rules, 1995') provides as under:-

“6. Limitation for revision.(1) No application for revision shall be entertained under sub-rule (1) of rule 5 after the expiration of 60 days from the date of the order.

(2) The revisional authority may admit application for revision after expiry of sixty days if it is satisfied that there was sufficient cause for not presenting it within that period.”

3. sub-rule (1) of Rule 6 of the Rules, 1995 states that no application for revision shall be entertained under sub-rule (1) of rule 5 after the expiration of 60 days from the date of the order but sub-rule (2) of Rule 6 of the Rules, 1995 empowers the Revisional Authority to admit application for revision after expiry of sixty days if it is satisfied that there was sufficient cause for not presenting it within that period.

4. The Revisional Authority considered the revision under sub-rule (1) of Rule 6 of the Rules, 1995 but failed to notice sub-rule (2) of Rule 6 of Rules, 1995 which empowers the Revisional Authority to condone the delay of 60 days for which application for condonation of delay has already been filed by the petitioner.

5. Consequently, the impugned order dated 12/08/2015 is set aside. The revision is restored to its original number and Revisional Authority is directed to consider the application for condonation of delay in filing revision in accordance with law expeditiously on its own merit.

6. The writ petition is allowed to the extent indicated herein-above.

Sd/-
(Sanjay K. Agrawal)
Judge