

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (L) No.95 of 2017

Smt. Santoshi Pandey W/o Late Anil Pandey, Aged about years, R/o Village & Post Kudkai, Tehsil-Pendra, Distt.-Bilaspur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Department of Higher Education, Mahanadi Bhawan, Naya Raipur, Mantralay Raipur (CG)
2. The Principal, Government College, Pendra, Distt.-Bilaspur (CG)

---Respondents

For petitioner	:	Mr.Vinod Deshmukh, Advocate
For State	:	Mr.Bhaskar Payasi, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

26/04/2017

Heard.

1. By the impugned order, the petitioner's application under Section 7 (7) of the Payment of Gratuity Act, 1972 (hereinafter called as "Act of 1972") has been rejected by the Appellate Authority on the ground that no application for condonation of delay has been preferred.
2. Learned counsel for the petitioner would submit that the appeal was well within time, but on account of inadvertent mistake she could not prefer an application seeking condonation of delay and therefore, the Appellate Authority ought to have given time for filing an application for condonation of delay.
3. On the other hand, learned Panel Lawyer for the

respondents/State would oppose the writ petition.

4. I have heard learned counsel for the parties and perused the impugned order.
5. The petitioner's husband Shri Anil Kumar Pandey died in harness, she is an illiterate lady and could not prefer an application for condonation of delay. The Appellate Authority in all fairness ought to have granted time to file an application for condonation of delay in accordance with Section 7 (7) of the Act of 1972.
6. Accordingly, the impugned order is set aside. Case is remitted to the Appellate Authority. The petitioner is at liberty to file an application for condonation of delay within one month from the date of appearance before the Appellate Authority explaining the delay in filing the appeal.
7. The writ petition is allowed to the extent indicated hereinabove. The Appellate Authority would consider and decide the appeal in view of the provisions contained in Section 7(7) of the Act of 1972 within four months from the date of production of copy of this order. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-