

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (S) No. 5598 of 2012**

Smt. Asha Bargah, W/o Shri Harishankar Bargah, aged about 20 years, R/o Village- Piparsatti, P.S. & Tahsil-Akaltara, District Janjgir-Champa (C.G.)

---- Petitioner**Versus**

1. Project Officer, Integrated Child Development Department, Akaltara, P.S. & Tahsil – Akaltara, District Janjgir – Champa (C.G.)
2. Chief Executive Officer, Janpad Panchayat, Akaltara, P.S. & Tahsil – Akaltara, P.S. & Tahsil – Akaltara, District Janjgir-Champa (C.G.)
3. State of Chhattisgarh, through Secretary, Women & Child Development Department, Mahanadi Bhawan, New Raipur (C.G.)
4. The Collector, Janjgir-Champa (C.G.)
5. Assistant Commissioner, Bilaspur Division, Bilaspur (C.G.)
6. Ragini Chelkar, W/o Lakhanlal Chelkar, aged about 25 years, R/o Village-Piparsatti, P.S. & Tahsil-Akaltara, District Janjgir-Champa (C.G.)

---- Respondents

For Petitioner : Mr. N.K. Chatterjee, Advocate.
 For State : Mr. Avinash Singh, PL
 For Respondent No. 6 : Mr. D.K. Singh, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****10/02/2017**

(1) The petitioner preferred an appeal before the Collector against the order dated 07.01.2011 challenging the order passed by the Chief Executive Officer, Janpad Panchayat, Akaltara appointing respondent No. 6 on the post of Anganwadi Karyakarta. The said appeal was dismissed on the ground that certified copy of the order 7.11.2011 has not been filed by the petitioner before the Collector.

(2) The petitioner preferred revision thereagainst before the Commissioner,

Bilaspur Division. The Commissioner, Bilaspur Division has dismissed the revision filed by the petitioner affirming the order of the Collector vide order dated 14.08.2012.

(3) After hearing learned counsel appearing for the parties, this Court is of the opinion, that the Collector, Janjgir-Champa ought to have given time to the petitioner to file certified copy of the order dated 7.1.2011 and on failure to file certified copy of the order dated 7.1.2011 within the extended time, the appeal could have been dismissed. Thus, the Collector, Janjgir-Champa has committed illegality in not granting time to the petitioner to file certified copy of the order dated 7.1.2011; and that illegality has been again perpetuated by the Commissioner by dismissing the revision filed by the petitioner.

(4) Accordingly, the writ petition is allowed. Both the orders i.e. order passed by the Collector dated 04.07.2011 (Annexure P-1) & order passed by the Commissioner dated 14.08.2012 (Annexure P-2) are set aside. Matter is restored to the file of Collector, Janjgir-Champa (C.G.). On file being received by the Collector, Janjgir Champa, the Collector shall issue notice to the parties and the petitioner is directed to file certified copy of the order dated 7.1.2011 within a period of one month and, in turn, the Collector shall decide the appeal of the petitioner afresh in accordance with law expeditiously.

(5) A copy of this order be also sent to the Collector, Janjgir-Champa for compliance and needful.

(6) No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

