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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 292 of 2017**

(Arising out of order dated 19.6.2017 in Writ Petition (S) No.2544 of 2017 of the learned Single Judge)

Mohal Lal Sharma S/o Makhan Lal Sharma, Aged About 45 Years Working As Assistant Internal Audit And Taxation Officer, Janpad Panchayat Bodla, District Kabirdham (Chhattisgarh)d.

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat & Rural Development, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur (Chhattisgarh)
2. Commissioner, Division Durg, District Durg, Chhattisgarh
3. Collector, Kabirdham, District Kabirdham, Chhattisgarh
4. Sub Divisional Officer (Revenue), Bodla, District Kabirdham, Chhattisgarh.
5. Chief Executive Officer, Janpad Panchayat, Bodla, District Kabeerdham (Chhattisgarh).
6. Chief Executive Officer, Janpad Panchayat Sahaspur Lohara, District Kabirdham (Chhattisgarh)

---- Respondents

For Appellant	: Shri Govind Dewangan, Advocate.
For Respondent/State	: Shri R.K. Gupta, Deputy Advocate General.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, Judge.

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****16/08/2017**

1. We have heard the learned counsel for the Appellant quite in *extensio* and we have also heard the learned Deputy Advocate General for the State.
2. This appeal is against the order, by which, the learned Single Judge refused to interfere with the rejection of an application seeking condonation of delay of an

institutional appeal under the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966.

3. The Appellant, who was working as a Panchayat Secretary was proceeded against on counts referable to his alleged misconduct in dealing with the public funds. Disciplinary proceedings were initiated against him. Completing due process, he was handed down a penalty order by the competent authority, namely, the Collector, Kabirdham on 24.3.2015. That was, indisputedly, communicated to the Appellant. He did not file any appeal against that penalty order. On 9.11.2015, giving effect to the penalty order, the pay scale was re-fixed by lowering the scale in terms of the decision contained in the penalty order dated 24.3.2015. Long thereafter, on 18.7.2016, the Appellant filed a statutory appeal against the penalty order with an application seeking condonation of delay. Admittedly, the appeal was instituted long after the period of 45 days fixed for filing the statutory appeal. The Appellant applied for condonation of delay. The reason projected was a run of the mill excuse of being sick with not even any specific attribute as to what was the nature of illness or the situation as to why the illness had prevented him from placing his appeal before the competent authority within time. The learned Single Judge, in discretionary writ jurisdiction, refused to interfere at the instance of the appellant and therefore dismissed the writ petition.
4. Sitting in judgment through this intra-Court appeal, we do not find that any ground is made out for interference with the manner in which the learned Single Judge has exercised his discretion resulting in the dismissal of the writ petition. This writ appeal hence fails and is therefore dismissed *in limine*.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE