

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 100 of 2014**

Smt. Phoolkunwar, aged about 44 years, wife of Shri Hemlal, Caste-Satnami, resident of Aamandula, Tahsil and Police Station – Malkharoda, District – Janjgir-Champa (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Woman and Child Development Department, Mantralaya Mahanadi Bhawan, New Raipur, District – Raipur (C.G.)
2. The Commissioner, Bilaspur Division, Bilaspur (C.G.)
3. The Collector, District Janjgir-Champa (C.G.)
4. The Chief Executive Officer, Janpad Panchayat Malkharoda, District Janjgir-Champa (C.G.)
5. The Project Officer, Woman and Child Development, Janpad Panchayat Malkharoda, District Janjgir-Champa (C.G.)
6. Block Education Officer, Janpad Panchayat Malkharoda, District – Janjgir Champa (C.G.)
7. Block Medical Officer, Janpad Panchayat Malkharoda, District – Janjgir-Champa (C.G.)
8. President, Woman and Child Development Department, Janpad Panchayat Malkharoda, District Janjgir-Champa (C.G.)
9. Yamunabai @ Jamunabai, father of Ashwapati Been Vikram Singh, Caste-Satnami, resident of Aamandula, Tahsil- Malkharoda, District Janjgir-Champa (C.G.)

----Respondents.

For Petitioner	: Mr. Jeet Patel, Advocate.
For Respondents No.1,2,3,5,6 & 7	: Mr. Aditya Sharma, PL
For Respondent No. 9	: Mr. Praveen Dhurandhar, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

21/08/2018

- (1) The petitioner's appeal challenging the appointment of respondent No. 9 was dismissed by the Collector, Janjgir-Champa by its order dated 14.05.2012 being barred by 63 days delay.
- (2) The petitioner preferred revision before the Commissioner, Bilaspur Division. The Commissioner, vide impugned order dated 27.12.2013, dismissed the revision by affirming the order of Collector. Against which, instant writ petition has been filed questioning the same.
- (3) I have heard learned counsel appearing for the parties and perused the order impugned with utmost circumspection.
- (4) Learned Collector has rejected the appeal filed by the petitioner as barred by limitation, which has been affirmed by the Commissioner in the revision. In the considered opinion of this Court that the ground assigned by the appellant, in the appeal preferred before the Collector, that as she was unwell, she could not prefer appeal within the period of limitation is uncontroverted on record, as such, the delay of 63 days in filing the revision has been explained sufficiently by the petitioner. Thus, learned Collector and learned Commissioner are unjustified in dismissing the appeal and revision on the ground of delay, as such, order passed by the Commissioner and Collector are liable to be set aside.
- (5) Accordingly, impugned order dated 27.12.2013 passed by the Commissioner and consequently the order dated 14.05.2012 are hereby set aside. Matter is remitted to the Collector, Janjgir-Champa for hearing and disposal of the appeal in accordance with law expeditiously preferably within a period of four weeks from the date of receipt of certified copy of this order after affording due opportunity of hearing to the affected parties.
- (6) It is made clear that this Court has not expressed any opinion on the appointment of respondent No. 9.
- (7) With the aforesaid observations, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-

