

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 17 of 2014**

Smt. Richa Pandey, W/o Naveen Pandey (Earlier named Richa Mishra), aged about 33 years, Occupation – Shikshakarmi Grade-III, Govt. Primary School – Ghotiya, Block Daundilohara, Tahsil & P.S. Daundilohara, Civil and Revenue District Balod (C.G.) (Revisioner in Court below)

----Petitioner**Versus**

1. The State of Chhattisgarh, Through: the Chief Executive Officer, Janpad Panchayat – Daundi, Civil and Revenue District Balod (C.G.)
2. The Collector, Balod, Civil and Revenue District Balod (C.G.)
3. The Commissioner, Raipur, Division Raipur, Civil and Revenue District Raipur (C.G.)

---- Respondents/Non-applicant

For Petitioner : Shri M.K. Bhaduri, Advocate.
 For Respondent No.1 : Shri Prasund Bhaduri, Advocate.
 For respondents No. 2 & 3 : Shri Arun Sao, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****30/10/2018**

(1) This writ petition is directed against the order dated 03.10.2013 passed by the Commissioner, Raipur Division, in Case No. 1830/B-121/2012-13 whereby the petitioner's appeal under Section 91 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 has been dismissed as barred by limitation.

(2) Learned counsel appearing for the petitioner would submit that the petitioner was carrying 8 months' pregnancy at that time, therefore, she could not file the appeal right in time and, therefore, the learned Commissioner has committed illegality in rejecting the appeal filed by the petitioner as barred by limitation.

(3) On the other hand, learned counsel appearing for the respondents would vehemently oppose the writ petition.

(4) I have heard learned counsel appearing for the parties.

(5) Learned Commissioner, by its impugned order, simply rejected the appeal filed by the petitioner holding that it is barred by 73 days and no sufficient cause has been shown for dismissing the appeal as barred by limitation. Since the petitioner was carrying 8 months' advance pregnancy at the time when the appeal was preferred, in the considered opinion of this court that it is sufficient cause for delay in filing the appeal, therefore, the delay occurred in filing the appeal ought to have been condoned by the Commissioner.

(6) In view of above, the writ petition is allowed. The impugned order dated 03.10.2013 is set aside; delay in filing the appeal is condoned; and restored the appeal to its original file for hearing and disposal in accordance with law on its own merits, as expeditiously as possible, preferably within a period of three months from the date of receipt of record and certified copy of this order.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

