

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 551 of 2017**

- Lav Kumar Sharma S/o Late Jaijairam Dubey, Aged About 58 Years
R/o Village And Post Sambalpur, P.S. Nandghat, Tahsil Bemetara,
District Durg Chhattisgarh.

---- Appellant**Versus**

1. Chhattisgarh Infrastructure Development Corporation, Through Its
Managing Director Raipur Chhattisgarh.
2. The Depot (Aagar) Manager, Chhattisgarh Infrastructure
Development Corporation, Balauda Bazar, District Raipur,
Chhattisgarh.

---- Respondents

For Appellant : Shri Vinod Deshmukh, Advocate
For Respondents : Shri Ashish Surana, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Sharad Kumar Gupta, Judge****Judgment On Board****Per Thottathil B. Radhakrishnan, Chief Justice****27.02.2018**

1. This writ appeal is filed under the following facts and circumstances :-
 - (a) The petitioner was a driver on daily wages from 1980.
 - (b) His engagement was discontinued on 27.02.2002 on the ground
that he indulged in activities of abusing and assaulting his fellow
workers.
 - (c) An order was passed by the management against him under

Permanent Standing Order.

(d) After that, he sought a direction that he be regularised in the post. That was rejected by the employer. That was challenged by the petitioner in writ jurisdiction by filing Writ Petition (S) No. 2835/2007. Through order dated 08.05.2007, making reference to the decision of the Apex Court in **State of Karnataka and Others vs. Umadevi (3) and Others** [(2006) 4 SCC 1], that writ petition was dismissed. He filed a writ appeal as WA No. 135/2007 with two more documents. That writ appeal was dismissed as withdrawn when objection was taken by the respondent that, those documents were not placed before the learned Single Judge.

(e) Thereafter, an application for review of the judgment in the writ petition was filed as Review Petition No. 31/2011. We do not see that any further documents were produced in the review petition, in spite of what was stated before the Court in WA No. 135/2007. That review petition has been dismissed.

2. The aforesaid factors available from the judicial orders, carry us to situation where the Review Petition No. 31/2011 was dismissed on 08.07.2014 and his appeal against that decision is presented only on 13.12.2017. Also, simply put, the challenge is against the decision on the writ petition and not on the review petition.

3. With the aforesaid, we see that I.A. No. 1/2017, the application seeking condonation of delay, is filed stating that the appellant was unwell or incapacitated from filing the appeal.

4. Looking at the facts of the case, particularly, as reflected in the first

order of this Court issued on 08.05.2007 in Writ Petition (S) No. 2835/2007, we are of the view that this is not a case where the discretionary writ jurisdiction could be exercised in favour of the appellant at this distant point of time. We are, therefore, not inclined to condone delay in instituting this appeal or entertaining this appeal.

5. For the aforesaid reasons I.A. No.1/2017 and this writ appeal are dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge