

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1305 of 2018

Smt. Mina Dubey W/o Shri Rajesh Dubey, Aged About 35 Years R/o Village Pandarbhata, Tahsil Bemetara, District Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Collector, Office Of Collector, District Bemetara, Chhattisgarh, District : Bemetara, Chhattisgarh
3. Chief Executive Officer, Office Of Chief Executive Officer, Zila Panchayat Bemetara, District Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh
4. Chief Executive Officer, Office Of Chief Executive Officer, Janpad Panchayat Bemetara, District Bemetara, Chhattisgarh, District : Bemetara, Chhattisgarh

---- Respondents

Shri Vinod Deshmukh, counsel for the petitioner/s.
Shri Dhiraj Wankhede, Govt. Advocate for the State.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

13/02/2018

The present writ petition has been filed assailing the order passed by the Collector, Bemetara, while acting as an appellate authority under the provisions of C.G.Panchayat Raj Adhiniyam, 1993 and having rejected the appeal filed by the petitioner on the ground of limitation.

2. The grievance of the petitioner is that he was initially engaged as contractual employee and his services were terminated vide order dated 14/10/2017. Against the said order of termination, the petitioner preferred a departmental appeal to the Collector on 09/01/2018. The prescribed period of limitation for filing appeal is 30 days. However, the authority is empowered to condone the delay if sufficient cause is

explained under the rules. In the instant case, though the appeal has been filed after prescribed period of 30 days, but along with the appeal, the petitioner has filed an application for condonation of delay which has been rejected by the Collector.

3. Without entering into the dispute further, this Court is of the view that since it is a case of termination of the petitioner and considering the nature of dispute, the appellate authority ought to have considered the application for condonation of delay in a pragmatic manner and a liberal approach should have been made while deciding the appeal. Under these circumstances, this Court has no hesitation to hold that rejection of the appeal on the ground of delay being too harsh, is set aside and the matter is remitted back to respondent No.2 / Collector, Bemetara for deciding the appeal of the petitioner on its merits. The petition stands disposed off.

It is expected that the appellate authority shall pass appropriate order as expeditiously as possible, preferably within a period of 60 days from today.

**Sd/-
(P. Sam Koshy)
Judge**