

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4600 of 2019**

Chhaganlal Nishad S/o Late Johan Ram Nishad, Aged About 43 Years, R/o Village Jaisakarra, Police Station And Tahsil Charama, District North Bastar Kanker, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanandi Bhawan, New Raipur Police Station Rakhi, District Raipur Chhattisgarh
2. The Commissioner, Bastar Division Bastar, District Bastar Chhattisgarh
3. The Collector, North Bastar Kanker, District Kanker, Chhattisgarh
4. Chief Executive Officer, Jila Panchayat Kanker, District Kanker Chhattisgarh
5. Chief Executive Officer, Janpad Panchayat Durgukondal, District North Bastar Kanker, Chhattisgarh
6. District Education Officer, Kanker, District Kanker, Chhattisgarh
7. Block Education Officer, Surajpur, District Surajpur, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Laxmeen Kashyap, Advocate
For State	:	Mr. Saleem Kazi, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****28.06.2019**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 14.12.2018 whereby the respondent no.2 has rejected the revision petition which the petitioner had filed challenging the order passed by the Collector, North Bastar, Kanker.
2. The case of the petitioner, in brief, is that the petitioner was initially appointed as an Assistant Teacher (Panchayat) on 10.11.2004. It appears that the petitioner continued to work on the said post till 24.09.2011 and thereafter he remained unauthorized absent for a continuous long period. and finally, the petitioner, for the said act of unauthorized absence, was terminated from service on 11.03.2013. The petitioner did not challenge the said termination order for a long time and thereafter filed an appeal before the Collector for the first time on 30.05.2017 along with an application for condonation of delay. The Appellate Authority i.e. the Collector vide order dated 13.06.2017 rejected the appeal on the ground of delay. The petitioner thereafter preferred WPS No. 5306/2017. However, the petitioner withdrew the said writ petition on 09.10.2017 with liberty to approach the revisional forum. The petitioner thereafter filed a revision petition before the Commissioner, Bastar Division and the Commissioner vide its order dated 14.12.2018 i.e. the impugned order rejected the revision petition. It is this order which is under challenge in the present writ petition.
3. Contention of the counsel for the petitioner is that the authorities concerned have rejected the appeal as well as the revision on the ground of delay which is not proper, legal and justified and therefore, the two orders should be set aside/quashed and the appellate authority should be directed to decide the appeal on its merit.
4. Perusal of the record would show that though the petitioner has been

terminated from service vide order dated 11.03.2013 Annexure P-3, there is no justification and plausible explanation provided by the petitioner for not filing the appeal till 30.05.2017 before the appellate authority. Even the application for condonation of delay filed along with the appeal before the Collector does not give any justifiable ground to condone the delay. The petitioner has also not been able to show or produce before this Court and also before the Commissioner in the revision petition any justifiable reason for not challenging the order of termination within the reasonable period if not within the period prescribed.

5. In view of the fact that there is no justification or explanation provided by the petitioner either before any of the authorities below nor before this Court in the present writ petition, this Court does not find any strong case made out for interfering with the two orders and therefore, the writ petition deserves to be rejected on this ground alone.
6. Another ground which needs to be considered is that the Revisional Authority while passing the impugned order on 14.12.2018, apart from upholding the rejection of the appeal by the Collector, has also looked into the merits of the case. In the impugned order itself the Revisional Authority has specifically dealt with the issue that the petitioner has been found to be on unauthorized absence for a considerable long period since 2011 onwards. No proper justification or explanation for the period of absence could be produced by the petitioner before the Revisional Authority except for a bald claim of the petitioner being seriously ill during the intervening period. The record shows that expect for a document showing his illness of one day, there is no cogent evidence produced by the petitioner to show that he was seriously ill during the entire period of absence before

termination. Thus, it cannot be said that the Revisional Authority has not considered the merits of the case.

7. In view of the same, the present writ petition being devoid of merits deserves to be and is accordingly dismissed.

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