GAHC010147832020

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA 153/2020

1:NILOTPAL NATH
S/O- PUNA RAM NATH, R/O- VILL.- RAHA RAJAGAON, P.S. RAHA, DIST.- MORIGAON, ASSAM.

VERSUS

1:THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR, GUWAHATI- 781006.

2:THE STATE MISSION DIRECTOR
ASSAM STATE RURAL LIVELIHOOD MISSION
GOVT. OF ASSAM
SIVA NATH GOGOI PATH
PANJABARI
GUWAHATI
ASSAM
PIN- 781037.

3:THE PRESIDING OFFICER
INTERNAL COMPLAINTS COMMITTEE
ASSAM STATE RURAL LIVELIHOOD MISSION
GOVT. OF ASSAM
SIVA NATH GOGOI PATH
PANJABARI
GUWAHATI
ASSAM- 781037.

4:THE DISTRICT PROJECT MANAGER
ASSAM STATE RURAL LIVELIHOOD MISSION
MORIGAON
ASSAM

Advocate for the Petitioner : MR. J PATOWARY

Advocate for the Respondent : SC, PNRD

BEFORE
HONOURABLE THE CHIEF JUSTICE (ACTING) MR. N. KOTISWAR SINGH
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 20-10-2020

(N. Kotiswar Singh, CJ (Acting)

Heard Mr. J. Patowary, learned counsel for the appellant. Also heard Mr. M. Nath, learned Standing Counsel, Panchayat and Rural Development Department.

2. The present appeal has been preferred against the order dated 13.10.2020 passed by the learned Single Judge in WP(C) No. 4122 of 2020.

3. The grievance arises mainly out of the refusal of the Court to pass an interim order for stay of the order of termination dated 20.03.2020 on the ground that there has been a considerable delay of almost six months after passing of the termination order.

4. Learned counsel for the appellant submits that the learned Court below had found merit in the case but as the petitioner had approached belatedly, the Court declined to pass any order of stay.

5. Learned counsel for the appellant submits that due to Covid and other circumstances and since the appellant was arrested and released on bail only on 26.03.2020, he could not approach the Court on earlier occasion.

6. Learned counsel for the appellant also submits that the learned Single Judge ought to have considered the order passed by the Hon'ble Supreme Court in Sou Motu Writ Petition (Civil) No.3 of 2020 (***In Re: Cognizance For Extension of Limitation***), reported in **2020 (2) ALT 199 (SC)** on 23.03.2020 in which the Hon'ble Supreme Court passed the following order:-

> "*This Court has taken Suo Motu cognizance of the situation arising out of the challenge faced by the country on account of Covid-19 Virus and resultant difficulties that may be faced by litigants across the country in filing their petitions/applications/suits/ appeals/all other proceedings within the period of limitation prescribed under the general law of*

limitation or under Special Laws (both Central and/or State).

2. To obviate such difficulties and to ensure that lawyers/litigants do not have to come physically to file such 2 proceedings in respective Courts/Tribunals across the country including this Court, it is hereby ordered that a period of limitation in all such proceedings, irrespective of the limitation prescribed under the general law or Special Laws whether condonable or not shall stand extended w.e.f. 15th March 2020 till further order/s to be passed by this Court in present proceedings.

3. We are exercising this power under Article 142 read with Article 141 of the Constitution of India and declare that this order is a binding order within the meaning of Article 141 on all Courts/Tribunals and authorities.

4. This order may be brought to the notice of all High Courts for being communicated to all subordinate Courts/Tribunals within their respective jurisdiction.

5. Issue notice to all the Registrars General of the High Courts, returnable in four weeks."

7. We have gone through the order passed by the learned Single Judge dated 13.10.2020. However, there is no discussion about the aforesaid direction of the Hon'ble Supreme Court.

8. In that view of the matter, we remand the matter to the learned Single Judge with a request to reconsider the prayer of the petitioner for passing interim order by taking into consideration the applicability of the order passed by the Hon'ble Supreme Court on 23.03.2020.

9. Learned counsel for the appellant submits that during pendency of the present proceeding, if the authority makes any appointment, the appellant will face serious prejudice. It is a matter, which can be agitated before the learned Single Judge.

10. With the above observations, the present appeal stands disposed of.

JUDGE **CHIEF JUSTICE (ACTING)**

Comparing Assistant