

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 252 of 2020

1. Smt. Pramila Singh W/o Devnarayan Singh, Aged About 40 Years, R/o Village Navaparakala (Mahuapara), P.S. & P.O. & Tahsil. Premnagar, District : Surajpur, Chhattisgarh **---- Petitioner**

Versus

1. Devmunia D/o Vanshroop & W/o Baleshwar, Aged About 25 Years, R/o Village Parwatipur, P.S. & P.O. & Tahsil Premnagar, District : Surajpur, Chhattisgarh
2. Project Officer, Woman And Children Development Department, Premnagar, P.S. & P.O. Premnagar, District : Surajpur, Chhattisgarh

---Respondents

For Petitioner : Ms. Priyanka Mehta, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

21.01.2020

1. The challenge in the present writ petition is to the order dated 04.09.2019 passed by the Commissioner, Surguja Division, Ambikapur in Revision Case No. 201712960100063/21/B-121/2017-18. Vide the said order, the Commissioner has rejected the revision of the petitioner affirming the order of the Collector dated 25.10.2017 whereby the Collector had condoned the delay on the part of the respondent no.1 in preferring an appeal before the Collector challenging the appointment of the petitioner as an Aanganbadi Worker at Aanganbadi Centre Navaparakala (Mahuapara), Gram Panchayat Navaparakala (Mahuapara), Tahsil Premnagar, District Surajpur, Chhattisgarh.

2. A perusal of the record would show that the petitioner was appointed as an Aanganbadi Worker on 07.04.2016 and the appeal was preferred by the respondent no.1 on 17.05.2016. According to the petitioner, the appeal was not accompanied by an application for condonation of delay and which was subsequently filed at a belated stage which the Collector had entertained and allowed. This order passed by the Collector condoning the delay and listing the appeal for decision on merits was challenged by the petitioner by way of a revision before the Commissioner. The Commissioner also has rejected the Revision affirming the order of the Collector treating the order of the Collector to have been passed by way of a pragmatic approach giving a liberal interpretation and thereby directing the Collector to take a final decision in the appeal.
3. This Court is also of the opinion that since the matter is pending consideration before the Appellate Court i.e. the District Collector, it would not be proper at this juncture for this Court to consider the veracity of the order passed by the Collector dated 25.10.2017 and the order dated 04.09.2019 passed by the Commissioner. However, the right of the petitioner would be left open to challenge this ground at a later stage if so required after the Collector passes a final order on the appeal that has been preferred by the respondent no.1.
4. The writ petition therefore at this juncture stands disposed of.

Sd/-
(P. Sam Koshy)
Judge