

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 271 of 2020**

(Arising out of order dated 22/04/2016 passed by learned Single Judge in WPS No. 1093 of 2016)

1. Life Insurance Corporation of India Ltd. through its Chairman, Managing Director and Executive Directors (of P & IR, MB & AC, P & GS, CLIA, Direct Marketing Departments), Yogakshema Building Jeevan Bima Marg, Mumbai 400021
2. Life Insurance Corporation of India Limited, through its Zonal Manager Central Zone, Jeevan Shikha Building, 60-B, Arear Hills, Hoshangabad Road Bhopal 462011
3. Life Insurance Corporation of India Limited, through its Manager (Legal), Division Office, Shiv Dulare Mishra Parishad, Vyapar Vihar, Bilaspur C.G.
4. Life Insurance Corporation of India Limited, through its Divisional Manager, Division Office, Shahdol M.P.

-----Appellants/ respondents

- Shiv Kumar Dewangan Aged about 36 years, S/o Late Laxmi Narayan Dewangan, Sardar Patel Ward House No.10, Mungeli District Mungeli C.G.

-----Respondent/Petitioner

For Appellants	:	Mr. Himanshu Pandey, Advocate on behalf of Mr. B.Gopa Kumar, Advocate
For Respondent	:	None.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

Per P.R. Ramachandra Menon, CJ.

26/06/2020

1. This appeal has been preferred by the Life Insurance Corporation India Limited (LIC), being aggrieved of the interim order of 'Status Quo' dated 22-04-2016 passed by a learned Judge of this Court in WPS No. 1093/2016.
2. Admittedly, the appeal is belated by 1450 days, which is sought to be condoned by filing application. On going through the said IA, what is stated is that there is recurring loss to the appellants because the interim order/status quo passed by

the learned Single Judge and that the delay has not been made deliberately. The only reason stated in paragraph 3 of the said IA is that the appellants were under the impression that the matter would be heard and finalized soon. Paragraph 3 of the said IA is reproduced below.

“3. That, there is delay of around 4 years. But this delay is not made by the appellant deliberately but the fact is the appellant had filed several mention memo for the listing of the matter and he was under the impression that the matter would be listed soon. Therefore, due to compelling circumstances, appellant is filing this petition at this belated stage.”

3. Even a cursory reading of the contents of the I.A. will clearly show that absolutely no reason, much less any satisfactory explanation, has been given to condone the inordinate delay of 1450 days in filing the appeal. That apart, the Writ Petition is still pending consideration, nothing prevents the appellants from moving the learned Single Judge by filing appropriate proceedings with reference to the position sought to be asserted in this appeal, for getting appropriate orders. Still further, the maintainability of the appeal itself is to be considered.
4. The intra court appeal has been preferred under Section 2(1) of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006. Said provision reads as follows:

“2. Appeal to Division Bench of the High Court from a judgment or order of one judge of the High Court made in exercise of original jurisdiction. - (1) An appeal shall lie from a judgment or order passed by one judge of the High Court in exercise of original jurisdiction under Article 226 of the Constitution of India, to a Division Bench comprising of two judges of the same High Court.

Provided that no such appeal shall lie against an interlocutory order or against an order passed in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.”

From the above proviso to Section 2(1) of the Act, it is quite evident that no appeal will be maintainable against interim orders. Scope of the said proviso had come up for consideration before a 'Full Bench' of this Court and as per the

judgment dated 25-01-2017, in Writ Appeal No. 255/2016, it has been made clear that unless the interim order is having the effect of finality, no appeal can be held as maintainable.

5. Learned counsel for the appellants points out that the interim order was passed by the learned Single Judge by placing reliance on similar interim orders passed by the High Court of Madras, the High Court of Bombay and the High Court of Punjab & Haryana. It is also pointed out in the appeal, that the above matters have been finalized and the writ petitions have been dismissed. It is pointed out that, the Respondent, being a contract employee, does not have any right to continue in service beyond the stipulated period of service. It is also pointed out that the terms of engagement had clearly stipulated that the term, initially for a period of 3 years, could be extended further, however, no extension would be possible after 3 such instances. Learned counsel submits that the initial period of 3 years was extended and thereafter it came to an end on 25-04-2016. It is only by virtue of the interim order passed by the learned Single Judge, that the Respondent is still continuing and is drawing salary, which is causing serious loss to the appellant and hence the challenge.
6. These are the points which could be brought to the notice of learned Single Judge for early hearing and disposal of the matter. We do not express any opinion with regard to the merits involved.
7. In the above circumstance, we are of the firm view that neither the delay is condonable, nor the appeal is to be held as maintainable, because of the statutory bar. The appeal stands dismissed. It is open for the appellants to pursue the writ petition before the learned Single Judge.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge