HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Writ Restoration No. 41/2019

Shalendra Kumar S/o Shri Sohan Lal, Aged About 37 Years, By Caste Jat, Resident Of Gram Panchayat Kharakhera, P.S. Tibbi, District Hanumangarh (Raj.).

----Petitioner

Versus

1. State Of Rajasthan through its Secretary, Department of Rural Development And Panchayat Raj, Secretariat, Rajasthan, Jaipur.
2. The District Project Co-Ordinator, Maha Narega Scheme, District Hanumangarh.
3. The Chief Executive Officer, Zila Parishad, Hanumangarh.
4. The Vikas Adhikari / Programme Officer, Panchayat Samiti Hanumangarh, District Hanumangarh.
5. The Gram Panchayat Kharakheda, Panchayat Samiti Hanumangarh through its Sarpanch.
6. Jai Prakash Saharan, Secretary, Gram Panchayat Kharakhera, Panchayat Samiti Hanumangarh, District Hanumangarh.
7. Vijay Kumar S/o Shri Balwant Ram, Resident Of Kharakhera, Panchayt Samiti And District Hanumangarh.

----Respondents

For Petitioner(s) : Mr.Ashvini Swami, Adv.
For Respondent(s) : -

HON'BLE MR. JUSTICE VIJAY BISHNOI
HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

06/01/2020

This restoration application is filed by the petitioner with the prayer for restoring the D.B.Special Appeal (Writ) No.981/2018, which was dismissed by coordinate Bench on 03.07.2018 for non-removal of defects.

The application for restoration of the aforementioned Special Appeal is filed after a delay of around 203 days. The explanation offered by the applicant for condoning the delay in filing this restoration petition are vague and baseless. The only reason given by the applicant is that he could not contact his advocate as he was out of State for earning his livelihood. It is noticed that no details regarding the stay of the applicant out of the State has been given in the application. It is also noticed that by way of S.B.Civil Writ Petition No.7319/2010, the petitioner sought appointment on the post of Gram Rojgar Sahayak, the selection for which was completed way back in the year 2009. After going through the impugned judgment passed by the learned Single Judge, we do not find any illegality in the same as the learned Single Judge has rightly pointed out that while exercising jurisdiction under Article 226 of the Constitution of India, this Court cannot go into the roving enquiry and the sufficient proofs are produced by the respondent-Department that the appointment letter was offered to the petitioner through registered post.

In view of the above observations, we do not find any merit in the restoration application. Hence, the restoration application is dismissed as time barred.

(MANOJ KUMAR GARG),J **(VIJAY BISHNOI),J**

2-NK/-