

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 519 of 2012**

Smt. Meera Kar @ Meera Das W/o Nityanand Kar,
Aged about 41 years, R/o Milarabad, Nagodi P.O.
Basna Block, Distt. Mahasamund, Chhattisgarh.

---Petitioner

Versus

1. State of Chhattisgarh, Through Secretary,
Panchayat Raj, D.K.S. Bhawan, Raipur,
Chhattisgarh.
2. The Commissioner, Raipur Division, Raipur,
Chhattisgarh.
3. The Additional Commissioner, Raipur Division,
Raipur, Chhattisgarh.
4. The Collector Mahasamund, Distt. Mahasamund,
Chhattisgarh.
5. The Additional Collector Mahasamund, Distt.
Mahasamund, Chhattisgarh.
6. Janpad Panchayat, Through Executive Officer,
Basna Block, Distt. Mahasamund, Chhattisgarh.
7. Project Officer, Integrated Child Development
Scheme Basna, Distt. Mahasamund, Chhattisgarh.
8. Sarpanch, Gram panchayat Bijrabhata, Block Basna,
Distt. Mahasamund, Chhattisgarh.
9. Smt. Chanchala Sahu W/o Jagannath Sahu, Village
Milarabad, Gram Panchayat Bijrabhata Basna Block,
Distt. Mahasamund, Chhattisgarh.

---Respondents

For Petitioner :- Mr. Raghvendra Pradhan, Advocate
For State :- Mr. Siddharth Dubey, Dy. A.G.
For Respondent 9 :- Mr. Parag Kotecha, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board (Th. Video Conferencing)

26/08/2021

1. The petitioner herein calls in question the order dated 02/11/2011 (Annexure P/4) passed by the Secretary, Department of Panchayat and Rural Development affirming the order of the Additional Collector, Mahasamund and Additional Commissioner, Raipur Division, thereby dismissing the revision preferred by the petitioner as barred by limitation.
2. Respondent No. 9 was appointed on the post of Anganbadi Karyakarta which the petitioner challenged by filing appeal before the Additional Collector, Mahasamund on 02/02/2008, but her appeal was dismissed as barred by limitation and the order of the Additional Collector, Mahasamund has also been affirmed by the Additional Commissioner, Raipur Division in the revision preferred by the petitioner which

has been questioned by way of this writ petition.

3. Mr. Raghvendra Pradhan, learned counsel for the petitioner, would submit that appointment of respondent No. 9 as Anganbadi Karyakarta vide order dated 13/11/2006 (Annexure P/1) was firstly questioned by the petitioner in WPS No. 7561/2006 filed on 27/11/2006 and vide order dated 29/10/2007 (Annexure P/17), this Court granted liberty to the petitioner to avail statutory remedy of appeal before the appropriate authority. Thereafter, petitioner applied for certified copy of the order passed by this Court (Annexure P/17) and after receiving it on 09/01/2008, she ultimately filed the appeal on 02/02/2008, as such, the delay in filing the appeal has been explained and sufficient cause has to be construed liberally, therefore, delay ought to have been condoned and her appeal ought to have been heard and decided on merits.

4. Mr. Siddharth Dubey, learned State counsel, as well as Mr. Parag Kotecha, learned counsel for respondent No. 9, would oppose and submit that that there is an inordinate delay in filing the

appeal which has rightly not been condoned by the Additional Collector, Mahasamund finding that no sufficient cause has been shown by the petitioner for condoning the delay in filing the appeal.

5. I have heard learned counsel for the parties, considered their rival submissions and perused the records.

6. The order of appointment of respondent No. 9 on the post of Anganbadi Karyakarta dated 13/11/2006 (Annexure P/1) was firstly challenged by the petitioner in WPS No.7561/2006 filed on 27/11/2006 wherein this Court vide order dated 29/10/2007 (Annexure P/17) disposed of the matter by granting liberty to the petitioner to avail statutory remedy of filing appeal before the appropriate authority. After receiving the certified copy of the order passed by this Court on 09/01/2008, petitioner preferred the appeal before the Additional Collector, Mahasamund on 02/02/2008 with some delay which has not been condoned and her appeal has been dismissed as barred by limitation.

7. Since petitioner prosecuted bonafidely by filing writ petition before this Court, therefore, the

period between filing the writ petition and its disposal i.e. from 27/11/2006 to 29/10/2007 was required to be excluded while computing the period of limitation in filing the appeal. Thereafter, the appeal could have been preferred by the petitioner within one month but considering the fact that petitioner is an aggrieved person and on advice of her counsel, she applied for certified copy of the order passed by this Court (Annexure P/17) and after receiving the said copy on 09/01/2008, she filed the appeal within one month on 02/02/2008, therefore, it was within the period of limitation and the delay ought to have been condoned and her appeal ought to have been heard and decided on merits by the Additional Collector, Mahasamund.

8. In that view of the matter, delay in filing the appeal is hereby condoned as sufficient cause has been shown by the petitioner and accordingly, the impugned order (Annexure P/4) is hereby set aside and matter is restored to the file of Additional Collector, Mahasamund for hearing and disposal of the appeal in accordance with law within three months from the date of

receipt of copy of this order. Parties are directed to appear before the Additional Collector, Mahasamund on 13/09/2021.

9. Accordingly, the instant writ petition is allowed to the extent indicated herein-above. No cost(s).

10. A copy of this order be sent to learned Additional Collector, Mahsamund by e-mail/fax for information and needful action.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet