

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPS No.1879 of 2013**

- Dileshwar Ram, S/o Rauta Ram, Aged About 21 Years, R/o Village Poksari, Post Poksari, PS Batouli, Tahsil Batouli, Distt Sarguja, Chhattisgarh

**----- Petitioner**

**Versus**

1. Director Inspector General Of Police Range, Central Reserve Police Force, Silchar, Assam
2. Deputy Inspector General, Central Reserve Police Force, Dayapur, Silchar (Assam)
3. Commandant, Office Of The Commandant-175 BN CRPF Rani, Kamrup, Assam
4. Deputy Inspector General Of Police, Group Center, Central Reserve Police Force, Barni, Bilaspur, Chhattisgarh

**----- Respondents**

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| For Petitioner       | Mr. Harish Khuntiya, Adv. |
| For Respondent-State | Mr. R. K. Gupta, Adv.     |

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**Hon'ble Justice Shri Sanjay K. Agrawal**

**Order On Board**

**28/09/2021**

1. Against the order of the termination dated 01.08.2012 (Annexure-P/2) passed by the respondent No.3, whereby the petitioner's service as Combatant/GD (Male) has been terminated, the petitioner preferred an appeal

under Rule 28 (e) of the Central Civil Service (Temporary Service) Rules, 1965 before the respondent No.2, which has been dismissed as barred by limitation.

2. Mr. Khuntiya, learned counsel for the petitioner, would submit that the appeal has been dismissed as barred by limitation without affording an opportunity to the petitioner to file application for condonation of delay, which is unsustainable and bad in law. As such, the impugned orders deserve to be set aside.
3. Mr. Gupta, learned counsel for the respondents, would support the impugned orders.
4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
5. On perusal of the order (Annexure-P/1) passed by the respondent No.2, it appears that the petitioner's appeal under Rule 28 (e) of the Rules, 1965 has been dismissed as barred by limitation and no opportunity has been granted

to file application for condonation of delay. Since the petitioner was the terminated employee, an opportunity could have been afforded to the petitioner to file application for condonation of delay in filing the appeal, which has not been done and the appeal has been dismissed as barred by limitation. Accordingly, the impugned order dated 12.04.2013 (Annexure-P/1) is hereby set aside and the matter is remitted to the respondent No.2 to consider and decide the appeal of the petitioner afresh in accordance with law by a reasoned and speaking order on petitioner's filing application for condonation of delay in support of his appeal within 30 days from today and thereafter the appeal shall be decided within next 90 days.

6. The writ petition is allowed to the extent indicated herein-above. No order as to cost (s).

Sd/-

Sanjay K. Agrawal  
Judge