

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 398 of 2021

1. (I) Smt. Bittan Bai (Now Deceased) W/o Late Shri M. P. Pal Aged About 55 Years R/o Ward No. 15, North Jhagrakhand District Korea Chhattisgarh
(II) Satya Prakash Lal S/o Late Shri M. P. Lal Aged About 38 Years R/o Ward No. 15, North Jhagrakhand, District Korea Chhattisgarh
(III) Rakesh Kumar Shrivastava S/o Late Shri M. P. Lal Aged About 33 Years R/o Ward No. 15, North Jhagrakhand, District Korea Chhattisgarh
2. Anil Kumar Pandey Assistant Teacher, Primary School, Pauradhar, Post Ravi Nagar, District Shahdol M. P.
3. Sheshmani Sharma Assistant Teacher, Primary School, Jhimar, Post Jhimar, District Shahdol M. P.
4. Vishnu Prasad Mishra Assistant Teacher, Primary School, Rajnagar Colliery, Post Rajnagar, District Shahdol M. P.
5. Sudesh Kumar Rajput Assistant Teacher, Middle School, South Jhagrakhand, Post South Jhagrakhand, District Sarguja (C.G).
6. R. S. Singh Lecturer, Higher Secondary School, North Jhagrakhand, Post North Jhagrakhand, District Sarguja Chhattisgarh
7. Vinod Kumar Tiwari Lecturer, Higher Secondary School, North Jhagrakhand, District Sarguja Chhattisgarh
8. Ramavtar Gupta Lecturer, Higher Secondary School, North Jhagrakhand, District Sarguja Chhattisgarh. --- Applicants

Versus

1. South Eastern Coal Limited (Secl) Through Its Chairman-Cum-Managing Director (Cmd), Seepat Road, District Bilaspur Chhattisgarh
2. Sanghi Colliery Education Society North Jhagrakhand, District Sarguja Chhattisgarh
3. The General Manager South Eastern Coal Fields Limited (Secl), Hasdeo Area, District Sarguja Chhattisgarh ----Non-Applicants

For Applicants: : Shri Amrito Das, Advocate.
For Non-Applicants No.1 and 3: : Shri Vinod Deshmukh, Advocate on advance copy.

Single Bench:Hon'ble Shri Sanjay S. Agrawal, J
Order On Board

11.08.2021

1. Heard.
2. Learned counsel appearing for the Applicants at the outset submits that

since Non-Applicant No.2 was absent when the original petition was dismissed on 10.01.2020, therefore, notice upon the said Non-Applicant may be dispensed with for the consideration of the restoration of this petition.

3. Considering the aforesaid contention of Shri Das and considering further that since the said Non-Applicant was absent on the said date, the notice of this petition upon the said Non-Applicant is accordingly dispensed with.

4. Learned counsel for the Applicants submits that he was under the impression that the writ petition is still pending and when he applied for urgent hearing of the said petition, then only it was revealed that the said writ petition has already been dismissed for non-prosecution vide order dated 10.01.2020. It is contended further that immediately upon knowing the said fact, the application was made for obtaining the certified copy of the same and the instant petition for restoration of the said writ petition has been filed immediately thereafter.

5. Further contention of Shri Das is that a complete lockdown was declared by the Central Government on 24.03.2020, owing to spread over the COVID 19 Pandemic, owing to which, the functioning of the Court was kept in abeyance, therefore, the requisite application for its restoration could not be filed in time. However, there was no deliberate and ulterior intention was there behind it and has been caused due to the aforesaid circumstances. He, therefore, prays for restoration of the Writ Petition to its original number and in support has submitted his own affidavit.

6. On the other hand, Shri Deshmukh, counsel for Respondents No.1 and 3 has opposed the same orally that the petition was dismissed on 10.01.2020, however, the instant petition has been filed only on 03.08.2021, without

explaining the sufficient reason for the same. The application is, therefore, liable to be rejected.

7. On due consideration of the aforesaid contention of the parties and considering further the reasons assigned in the application, which is duly supported by an affidavit, I am inclined to allow the same.

8. Accordingly, the instant M.C.C is allowed and, petition being W.P. No.285/1996 is restored to its original number. No order as to costs.

Sd/-
(Sanjay S. Agrawal)
JUDGE

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