

HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C No.401 of 2021**

Ramavtar Gupta S/o Late Shri Ram Bahori Gupta Aged About 49 Years
Lecturer, Higher Secondary School, Jhagrakhand, R/o Badi Dafai,
South Jhagrakhand, Post Office Jhagrakhand, District Korea
Chhattigarh. **---- Applicant**

Versus

1. South Eastern Coal Limited (Secl) Through Its Chairman Cum Managing Director (Cmd) Seepat, Road, District Bilaspur Chhattisgarh.,
2. Chief General Manager South Eastern Coal Fields Limited (Secl) , Hasdeo Area, Ex Officio President , Singhi Colliery Education Society, Po South Jhagrakhand, District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
3. Chief Personnel Manager South Eastern Coal Fields Limited (Secl) , Hasdeo Area, Ex Officio President , Singhi Colliery Education Society, Po South Jhagrakhand, District Korea Chhattisgarh., District : Koriya (Baikunthpur)
4. District Education Officer Korea Po Baikunthpur, District Korea Chhattisgarh.
5. Principal Higher Secondary School Singhi Colliery Education Society , Jhagrakhand, District Korea Chhattisgarh., District : Koriya (Baikunthpur),
6. Shri Raj Mani Tripathi S/o Late Shri Jagdamba Prasad Tripathi Aged About 63 Years R/o Nandu Garage Wali Gali, Telipara, Bilaspur , District Bilaspur Chhattisgarh. **---Non-Applicants**

For Applicant:	Shri K Rohan, Advocate.
For Non-Applicants No.1 to 3:	Shri Vinod Deshmukh, Advocate appears on advance copy.
For Non-Applicant No.4/State:	Shri Raghavendra Verma, Government Advocate.

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

12.08.2021

1. Heard.
2. Learned counsel appearing for the Applicant at the outset submits that since Non-Applicants No.5 & 6 were absent when the original Petition was dismissed on 10.01.2020, therefore, service of notice upon them may be

dispensed with for consideration of the restoration of this Petition.

3. Considering the aforesaid contention of Shri Rohan and considering further that since the said Non-Applicants were absent on the said date, the service of notice of this Petition upon them is accordingly dispensed with.

4. Learned counsel for the Applicant 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, an 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 Rohan is that a complete lockdown was declared by the Central Government on 24.03.2020 owing to spread over of COVID 19 Pandemic, due 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 behind it as the delay was 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 Non-Applicants No.1 to 3 has opposed the same orally that the said Petition was dismissed on 10.01.2020, however, the instant Petition has been filed only on 03.08.2021 without explaining sufficient reasons for the same and the application is, therefore, liable to be rejected.

7. On due consideration of the aforesaid contention of learned Counsel for

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.1675/2001 is restored to its original number. No order as to costs.

Sd/-
(Sanjay S. Agrawal)
JUDGE

Priya