

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P.(227) No. 136 of 2015**

Ku. Jhamit Komre, D/o. Dayaram Komre, aged about 28 years, R/o. Village Aadejhr, Tahsil Daundi District Balod C.G.

**---- Petitioner**

**Versus**

1. State of Chhattisgarh, Through : The Secretary, Panchayat and Rural Welfare Department, Office At Mahanadi Bhavan, Naya Riapur District Raipur C.G.
2. The Chief Executive Officer, Janpad Panchayat Daundi, District Balod C.G.
3. Block Education Officer, Daundi, District Balod C.G.
4. The Commissioner, Raipur Division, District Raipur C.G.

**---- Respondents**

---

|                       |                                    |
|-----------------------|------------------------------------|
| For Petitioner        | : Mr. Praveen Dhurandhar, Advocate |
| For State/Respondents | : Ms. Hamida Siddiqui, Dy.A.G.     |

---

**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**09/06/2021**

1. This petition has been brought under Article 227 of the Constitution of India being aggrieved by the order dated 20.02.2014, by which, the respondent No.4 has dismissed the revision petition filed by the petitioner on the ground of delay.
2. It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was appointed as Assistant Teacher

(Panchayat) by the respondent No.2 and was posted in Government Primary School Nalkasa No.2, Block- Daundi, District – Balod (C.G.). The services of the petitioner was terminated by the respondent No.2 by order dated 24.01.2007. The petitioner filed an appeal before the Additional Collector, Balod, which was registered as Appeal No. 26-A/89-2012-13. This appeal was decided by order dated 22.02.2013, in which, the petitioner was reinstated, however, it was ordered that the salary of the period during which, she was under termination, shall not be payable under no work no pay rule. The petitioner being aggrieved by this order challenged the same in revision petition, before the respondent No.4. There was delay of 6 months and 24 days, therefore, separate application was filed for condonation of delay under Section 5 of Limitation Act.

3. It is submitted that the respondent No.4 has taken very meticulous approach and the application for condonation of delay has been dismissed along with the revision petition, therefore, the impugned order is bad in law, which is liable to be set-aside. It is prayed that the revision petition be restored and the respondent No.4 be directed to consider the revision petition on merits.
4. Learned State counsel appearing for the respondents opposes the petition and the submission made in this respect. It is submitted that revision petition filed was hopelessly barred by limitation. The petitioner was required to give day to day explanation of delay, in which, she failed, therefore, no error has been committed in passing the impugned order. Therefore, this petition be dismissed.
5. I have heard the learned counsel for the parties.

6. It is mentioned in the impugned order referring to the application U/s. 5 of Limitation Act, that the petitioner had to devote time for joining to her place of posting and then she had to obtain information from the department, because of which, she could not file the revision petition in time.
7. Considering that the petitioner was in active service, after her reinstatement and that she had to find time to obtain information and do the other things needful, before filing of the revision petition. The word day to day explanation is proverb and that is not to be followed in strict sense. It is very well settled that in the matter of condoning delay in filing any proceeding, the Court should refrain from taking any hyper technical approach and on the contrary approach should be liberal, therefore, this Court is of the view that in this case the respondent No.4 should have entertained and allow the application for condonation of delay in filing the revision petition and heard the revision petition on merits.
8. Hence, on the basis of the above observation made, this petition is allowed. The impugned order dated 20.02.2014 is set-aside. The application for condonation of delay in filing revision of the petitioner under Section 5 of Limitation Act, 1963 is hereby allowed. The respondent No.4 is now directed to hear and decide the revision petition filed by the petitioner on merits in accordance with the law.
9. Accordingly, the petition stands disposed off.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge