

(2018) 02 CHH CK 0244

Chhattisgarh High Court

Case No: Writ Petition (S) No. 1305 Of 2018

Mina Dubey

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Feb. 13, 2018

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Vinod Deshmukh, Dhiraj Wankhede

Final Decision: Disposed Of

Judgement

P. Sam Koshy, J

1. The present writ petition has been filed assailing the order passed by the Collector, Bemetara, while acting as an appellate authority under the

provisions of C.G.Panchayat Raj Adhiniyam, 1993 and having rejected the appeal filed by the petitioner on the ground of limitation.

2. The grievance of the petitioner is that he was initially engaged as contractual employee and his services were terminated vide order dated

14/10/2017. Against the said order of termination, the petitioner preferred a departmental appeal to the Collector on 09/01/2018. The prescribed period

of limitation for filing appeal is 30 days. However, the authority is empowered to condone the delay if sufficient cause is explained under the rules. In

the instant case, though the appeal has been filed after prescribed period of 30 days, but along with the appeal, the petitioner has filed an application

for condonation of delay which has been rejected by the Collector.

3. Without entering into the dispute further, this Court is of the view that since it is a case of termination of the petitioner and considering the nature of

dispute, the appellate authority ought to have considered the application for condonation of delay in a pragmatic manner and a liberal approach should have been made while deciding the appeal. Under these circumstances, this Court has no hesitation to hold that rejection of the appeal on the ground of delay being too harsh, is set aside and the matter is remitted back to respondent No.2 / Collector, Bemetara for deciding the appeal of the petitioner on its merits. The petition stands disposed off.

It is expected that the appellate authority shall pass appropriate order as expeditiously as possible, preferably within a period of 60 days from today.