

IN THE HIGH COURT OF JUDICATURE : AT JABALPUR (M.P.)

W.P. No. 607/1992PETITIONERS

1. Hari Shankar Patel, S/o Kalpa Ram Patel, Aged about 30 years, Resident of Kunjedabri, Teh. & Distt. Raigarh.
2. Jagdish Prasad Patel, S/o Shri. Setkumar Patel, aged about 27 years, Resident of Village Kunjedabri, Tehsil & Distt. Raigarh.
3. Salikram Nayak, S/o Shri. Radheshyam Nayak, aged about 27 years, R/o Village Jhampali, Teh. & Distt. Raigarh.
4. Jagdish Patel, S/o Balak Ram Patel, aged about 30 years, Resident of Karichhapar, Teh. & Distt. Raigarh.
5. Arun Kumar Choudhary, S/o Babulal Choudhary, aged about 27 years, R/o Kodatarai, Teh. & Distt. Raigarh.
6. Dolendra Kumar Patel, S/o Shri. Vedram Patel, aged about 29 years, R/o Kabriha, Teh. & Distt. Raigarh.
7. Ramgopal Choudhary, S/o Shri. Manbodhan Choudhary, aged about 29 years, R/o Nandeli, Teh. & Distt. Raigarh.
8. Smt. Raj Kumari Choudhary, W/o Shri. Nityanand Choudhary, aged about 28 years, R/o Kondatarai, Teh. & District, Raigarh (M.P.).

-VERSUS-RESPONDENTS

- S 1. State of M.P. through Secretary Panchayat Department, Bhopal.
- S 2. The Commissioner, Bilaspur
- S 3. Collector, Raigarh.
- S 4. Chief Executive Officer, Janpad Panchayat, Pussor, Teh. & Distt. Raigarh.

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- S 5. Vice President & President Shiksha Samiti, Janpad Panchayat, Tehsil and Distt. Raigarh.
- S 6. Kaushik Kr. Pradhan, Shiksha Karmi Class II, Primary School Chapoura, Vikas Khand, Pusour.
- S 7. Suresh Puri Goswami, Shiksha Karmi, Class II, Primary School Rengalpali, Vikas Khand, Pusour. / Middle
- C 8. Neeraj Kumar Choudhary, Shiksha Karmi, Class III, Govt. H.S. School, Kospali, Vikas Khand Pusour.
- S 9. Naresh Kr. Nayak, Shiksha Karmi, Class III, Govt. Primary School, Ghad Umaria, Vikas Khand Pusour.
- S 10. Niranj Prasad Choudhary, Shiksha Karmi Class III Primary School, Bijna, Vikas Khand Pusour.
- S 11. Lukeshwar, Prasad Patel, Shiksha Karmi, Class III Primary School, Kauwatal, Vikas Khand Pusour.
- S 12. Rishi Kumar Patel, Shiksha Karmi, Class III, Govt. Middle School, Telipali, Vikas Khand Pusour.
- S 13. Kumari Girja Patel, Shiksha Karmi, Class III, Govt. Primary School, Boierdeepa (Suri) Vikas Khand Pusour.
- S 14. Rama Shankar Pandey, Shiksha Karmi Class III, Since Teacher, H.S. School, Jatari, Vikas Khand Pusour.

Resident of Respondent No. 6 to 14
Teh. & Distt. Raigarh (M.P).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION
OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 607/2000 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>28/04/2004</u></p> <p>Shri Awadh Tripathi, counsel for the petitioners.</p> <p>Shri S.C. Verma, Panel Lawyer, for respondents no. 1 to 3.</p> <p>Shri B.D. Guru, counsel for respondents no. 6 to 14.</p> <p>Petitioners have preferred this writ petition under Article 226/227 of the Constitution of India challenging the order dated 15/11/99 (Annexure P/1) passed by the Commissioner, Bilaspur in Appeal case No.12/89 A-15/99-2000 and order dated 04/10/99 passed by the Collector in Appeal Case No.1/A-89/99-2000.</p> <p>The main grievance of the petitioners is that they had worked as Shiksha Karmi, Grade III from 01/12/1997 to 30/04/1998, therefore, as per the Government policy they ought to have been granted the extra marks for their experience and the same was not granted. Therefore, they had filed the representation before the Collector raising their grievances. When their representation was not decided, petitioners preferred an appeal before the Collector along with the application under Section 5 of the Limitation Act. However, that appeal was dismissed as time barred against which they preferred the appeal before the Commissioner and vide impugned order dated 15/11/99 the Commissioner also dismissed the appeal upholding the order of the Collector.</p> <p>I have heard learned counsel for the parties.</p> <p>Learned counsel for the petitioners submits that petitioners made a representation before the Collector for consideration of their experience and giving them marks for their experience. They were</p>	

आदेश पत्रक

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विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित (2)	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>under the impression that their grievance will be taken care of, but when their representation was not decided, they filed the appeal. Therefore, the delay was on account of bona fide mistake and there was sufficient cause for not preferring the appeal in time, therefore, the learned Collector ought to have condoned the delay in filing the appeal.</p> <p>Learned counsel for the petitioners further argued that in W.P.No.3481/2000 this Court had passed orders and considered the aspect and allowed the writ petition and directed the Commissioner to consider the appeal on its own merits.</p> <p>On the other hand, learned counsel for the respondents submits that as he appeal was time barred, the same was rightly rejected.</p> <p>Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case and having perused the impugned orders passed by the Collector and Commissioner and the application under Section 5 of the Limitation Act along with the affidavit filed by Harishankar Patel, I am of the opinion that learned Collector ought to have condoned the delay in filing of the appeal as petitioners are low paid employees and they were under the impression that since they have made the representation before the Collector, their grievance will be taken care of, therefore, they were not required to file the appeal. Therefore, learned Collector ought to have taken took a lenient view as there was sufficient ground for condonation of delay in filing of the appeal. Therefore, in view of the</p>	

उच्च न्यायालय, जयपुर, जयपुर

आदेश पत्रक

भाषा कमांक पृष्ठ 200

विकल्प

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित (3)	कार्यालयीन मामलों में जस्टिस रिजर्वर के आदेश आदेश
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above facts and circumstances of the case, the writ petition is allowed and the impugned order dated 15/11/99 passed by the Commissioner, Bilaspur and the impugned order dated 04/10/99 passed by the Collector are set aside and the Collector is directed to restore the appeal on its own number and decide the appeal on its own merits.

With the aforesaid observations and directions, this writ petition stands disposed of.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

पृष्ठ संख्या

14/6/99
7/10/99

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