
(2013) 07 MP CK 0150

In the Madhya Pradesh High Court

Case No : Writ Petition No. 4739 of 2013 (S)

Ramesh Singh Dangi

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 19-07-2013

Acts Referred:

Citation : (2013) 07 MP CK 0150

Hon'ble Judges : Sujoy Paul, J

Bench : Single Bench

Advocate : Sanjay Sharma, for the Appellant; Praveen Newaskar, Dy. Govt. Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Sujoy Paul, J.—With the consent of parties matter is finally heard. The grievance of the petitioner is that against the order dated 29.12.2012 (Annexure P/1) he preferred statutory appeal before the appellate authority on 19.02.2013 (Annexure P/2) which is within the limitation of 90 days, as per rule 15 of Panchayat Service (Discipline and Appeal) Rules 1999. Yet, the said appellate authority by the impugned order dated 26.06.2013 (Annexure P/7) rejected the appeal on the ground of delay.

2. I have heard learned counsel for the parties on the said aspect.

3. The said Rule is as under:-

15. Appeals against order of suspension or orders imposing penalties:-

(1) A member of the Panchayat Service may appeal against an order of suspension or an order imposing any penalty on him to the authority specified as appellate authority in the Appendix appended to these rules within a period of 90 (ninety) days from the date on which he receives the order:

Provided that the appellate authority may entertain an appeal after expiry of the said period if it is satisfied that the appellant has had sufficient cause for not

submitting the appeal in time.

(2) Every person submitting an appeal shall do so separately and in his own name.

(3) The appeal shall be addressed to the authority competent to hear appeals and shall contain a material statements and arguments on which the appellant relies and shall contain any disrespectful or improper language. A copy of the order appealed against shall invariably be enclosed with the Appeal.

(4) A copy of appeal shall also be sent to the disciplinary authority, against whose order appeal is preferred.

4. On perusing the said rules, it is crystal clear that limitation was of 90 days and appellate authority has erred in rejecting the appeal despite being filed within limitation. Consequently, the appellate order Annexure P/ 7 dated 26.06.2013 is set aside. The matter is remitted back to the appellate authority to deal with it expeditiously. The petitioner shall appear before the appellate authority on 31st of July, 2013, failing which it will be open for the appellate authority to take coercive action in the matter. Petition is disposed of.