

(2025) 09 CHH CK 0456

In the Chhattisgarh High Court

Case No : Writ Petition (Service) No. 31 Of 2025

Samay Singh Meena

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 17-09-2025

Acts Referred:

Constitution of India, 1950 — Article 226
Administrative Tribunals Act, 1985 — Section 21, 21(3)

Citation : (2025) 09 CHH CK 0456

Hon'ble Judges : Sanjay K. Agrawal, J; Radhakishan Agrawal, J

Bench : Division Bench

Advocate : B.P. Rao, Sharad Mishra, Ramakant Mishra

Final Decision : Allowed

Judgement

Sanjay K. Agrawal, J

1. This writ petition filed under Article 226 of the Constitution of India is directed against order dated 25.09.2024 (Annexure-P/22), passed by the Central Administrative Tribunal, Jabalpur Bench (Circuit Sitting Bilaspur) (for short the "Tribunal") in Original Application (OA) No.926 of 2017 (Samay Singh Meena v. Union of India and others), whereby the original application filed by the petitioner herein has been dismissed being barred by limitation under Section 21 of the Administrative Tribunals Act, 1985 (for short the "Act of 1985").

2. The facts of the case, in a nut-shell, are that petitioner's candidature for the posts of Group-D in South East Central Railway (SECR), Bilaspur was rejected by order dated 14.07.2015 (Annexure-P/18) by the respondents on the ground that he has not filled-up the application form in his own handwriting, however, by the said order the respondents has withdrawn the allegation of impersonation upon the petitioner. Challenging the said rejection order, the petitioner preferred original application before the learned Tribunal on 07.11.2017 (i.e. with a delay of about 15 months) alongwith an application for condonation of delay duly

supported by an affidavit stating inter alia therein that for want of enough sources and legal knowledge, he could not file the original application within time and, therefore, seeking condonation of delay in filing the original application under view of Section 21 (3) of the Act of 1985. However, the learned Tribunal vide impugned order dated 25.09.2024 (Annexure-P/22) rejected the said application for condonation of delay holding that cause shown is not sufficient and also dismissed the original application on merits also. Against which, present writ petition has been preferred by the petitioner before this Court.

3. Mr. B.P. Rao, learned counsel for the petitioner would submit that petitioner's application for condonation of delay was duly supported by an affidavit and no reason or finding has been recorded by the learned Tribunal while rejecting petitioner's application for condonation of delay except recording that no sufficient/plausible reasons/cause has been show by the petitioner for the delay occurred in filing the original application, whereas, the learned Tribunal ought to have recorded reasons before rejecting the application for condonation of delay in terms of Section 21(3) of the Act of 1985. As such, the present petition be allowed.

4. On the other hand, Mr. Sharad Mishra, learned counsel appearing on behalf of Mr. Ramakant Mishra, Addl. Solicitor General for the respondent- UOI would support the impugned order and prays for dismissal of this writ petition.

5. We have heard learned counsel for the parties, considered their rival submissions made herein above and went through the record with utmost circumspection.

6. Admittedly, the petitioner filed original application before the learned Tribunal with a delay of about 15 months and, for which, he filed an application seeking condonation of delay by citing reason that on account of lack of enough sources and legal knowledge he could not file the original application within time. Further, a careful perusal of the record would also show that the said ground taken by the petitioner before the learned Tribunal was not even controverted by the respondent-UOI while filing reply to the original application. The learned Tribunal did not properly inquire into the matter and straightaway held that the cause show by the petitioner is not sufficient and no reason has been recorded while rejecting petitioner's application for condonation of delay except mentioning that the cause show by the petitioner are not plausible and also dismissed the original application on merits. The aforesaid practice adopted by the learned Tribunal is totally contrary to the decision of the Supreme Court rendered in Secretary to Government of India and others v. Shivram Mahadu Gaikwad 1995 Suppl. (3) SCC 231, whereby it is held that before entering into the merits of the case, the Tribunal should have consider the question of limitation and if it is found that the original application is filed after the expiry of the period of limitation, the same should not be admitted and disposed of on merit in view of the statutory provisions contained in Section 21(1) of the Act of 1985. As such, in the considered opinion of this Court, sufficient cause has been show by the petitioner

for the delay occurred in filing the original application before the learned Tribunal, as it remained un-controverted that the petitioner on account of lack of enough sources and legal knowledge the petitioner could not file original application within time, which is duly supported by an affidavit also. Further, the respondents have also withdrawn the allegation of impersonation upon the petitioner vide order dt. 14.07.2015, yet the learned Tribunal has rejected the original application of the petitioner on merits too.

7. In that view of the matter, the impugned order dated 25.09.2024 (Annexure-P/22), passed by the learned Tribunal is liable to be and is hereby set aside. The application filed by the petitioner seeking condonation of delay in filing the original application before the learned Tribunal is allowed and delay in filing the original application is hereby condoned. The matter is remitted to the learned Tribunal for consideration of petitioner's original application on merits afresh. Since reply of the respondents has already been filed, we hope and trust that the learned Tribunal will dispose of the original application expeditiously as early as possible.

8. Consequently, the writ petition is allowed to the extent indicated herein-above. No cost.