

(2023) 03 CHH CK 0003
In the Chhattisgarh High Court
Case No : Review Petition No. 28 Of 2023

Saroj Dahre

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 01-03-2023

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2023) 03 CHH CK 0003

Hon'ble Judges : Arup Kumar Goswami, CJ;Sanjay Agrawal, J

Bench : Division Bench

Advocate : J.K. Gupta, Astha Shukla

Final Decision : Dismissed

Judgement

1. Heard Mr. J.K. Gupta, learned counsel for the petitioner as well as Ms. Astha Shukla, learned Government Advocate, appearing for the respondents.
2. This review petition is preferred seeking review of the order dated 18.10.2022 passed in Writ Appeal No. 292 of 2021.
3. The order reads as follows:
"Heard Mr. Syed Ishaddil Ali, learned counsel for the appellant. Also heard Mr. Jitendra Pali, learned Deputy Advocate General, appearing for respondents.
2. This writ appeal is presented against an order dated 10.06.2021 passed by the learned Single Judge in WP(S) No. 2102 of 2021, dismissing the writ petition on the ground of delay and laches.
3. The petitioner was appointed as Siksha Karmi Grade-II on 03.03.2007.
4. Case projected by the petitioner is that she was suffering from Systemic lupus erythematosus and was absent from duty from 15.09.2012. A medical certificate dated 15.09.2012 was submitted stating that she will be requiring 16-17 months for restoration of her health. A show-cause notice dated 01.02.2014 was issued

to explain her absence from duty from 15.09.2012 till 01.02.2014. Another show-cause notice was issued on 10.04.2014 on the subject. Subsequently, by an order dated 22.05.2015 service of the petitioner was terminated.

5. In the medical certificate dated 15.09.2012, it is definitely not indicated that the petitioner is suffering from Systemic lupus erythematosus. Even the petitioner is unable to say, on a question being asked, as to what was written by the Doctor with regard to the illness of the petitioner. No other medical documents in connection with any treatment taken or certificates demonstrating her illness during the relevant period have been produced. However, some medical documents pertaining to the year 2020 are produced. The same, in our considered opinion, are not relevant for the purpose of the present case.

6. The writ petition was filed on 15.03.2021 i.e. after more than six years of the passing of the order dated 22.05.2015.

7. It is in the background of the above facts and circumstances that the learned Single Judge has taken a view that the writ petition ought not to be entertained on the ground of delay and laches.

8. In the attending facts and circumstances of the case, we subscribe to the view taken by the learned Single Judge and hold that it is not a fit case for exercising our power under Article 226 of the Constitution of India.

9. Resultantly, the writ appeal is dismissed. No cost."

4. On due consideration, we find that there is no error apparent on the face of the record while taking the view that the writ petition ought not be entertained on the ground of delay and laches.

5. Accordingly, the review petition is dismissed.