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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA**

ON THE 17th OF MARCH, 2023

MISC. PETITION No. 1354 of 2021

BETWEEN:-

SMT. SOMVATI DEVI PANIKA D/O SHRI MANOHAR LAL PANIKA, AGED ABOUT 40 YEARS, OCCUPATION: AGANWADI KARYAKARTA (TERMINATED) VILL. SIDDHIKHURD P.O. TIJYARA TEH. AND DIST. SINGRAULI MP (MADHYA PRADESH)

.....PETITIONER

(BY SHRI M.P.SHUKLA - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THR. SECRETARY WOMEN AND CHILD DEVEL. DEPT. VALLABH BHAWAN BHOPAL (M.P.) (MADHYA PRADESH)**
- 2. COMMISSIONER WOMEN AND CHILD DEVELOPMENT DEPARTMENT BHOPAL (MADHYA PRADESH)**
- 3. COMMISSIONER REWA DIVISION REWA (MADHYA PRADESH)**
- 4. COLLECTOR SINGRAULI DISTT. SINGRAULI M.P (MADHYA PRADESH)**
- 5. PROJECT OFFICER UNIFIED CHILD DEVELOPMENT PROJECT GRAMIN 1 DISTT. SINGRAULI (MADHYA PRADESH)**
- 6. CHIEF EXECUTIVE OFFICER JANPAD PANCHAYAT WAIDHAN DISTT. SINGRAULI M.P (MADHYA PRADESH)**

.....RESPONDENTS

(NONE)

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This petition coming on for admission this day, the court passed the following:

ORDER

1. This petition under Article 227 of the Constitution of India has been filed against the order dated 18.2.2020 passed by Commissioner Rewa Division, Rewa in Case No.525/appeal/2019-20, order dated 28.1.2020 passed by Collector, Singrouli in case No.64/appeal/2019-20 and order dated 23.12.2015 passed by Project Officer, Singrouli in Case No.CDP/1397.

2. The facts necessary for disposal of the present petition in short are that the petitioner was working as Anganwadi Worker in Anganwadi Center, Singrouli No.1. On the allegations of negligence and disobedience of the orders passed by the office, a show cause notice was issued to the petitioner. Since her reply was not found to be satisfactory, therefore, by order dated 23.12.2015 the Project Officer, Child Welfare Project Singrouli Rural No.1 removed the petitioner from service. It appears that the petitioner thereafter filed a representation before the Collector, Singrouli on 7.1.2016. Thereafter, she filed a writ petition before this Court which was registered as W.P.No.20094/2019 and the same was disposed of by a coordinate Bench of this court by order dated 29.11.2019 with the following observations :-

"From the order dated 23.12.2015 (annexure P/5) it reveals that the petitioner was working on the post of Anganwadi Worker and has been removed from service because of some irregularities while performing the duties. In the Scheme of Anganwadi worker remedy of appeal is available to the petitioner and, therefore, no direction can be issued to the authority for deciding the representation. The petitioner may avail the appropriate remedy of appeal before the concerned authority prescribed under the

Scheme itself. No interference at this stage is called for."

Thus, it is clear that this Court was of the view that the petitioner has not availed the statutory remedy which is available to her. Taking clue from the liberty granted by this Court, the petitioner preferred an appeal which has been dismissed by the Collector Singrouli by order dated 28.1.2020 passed in Case No.64/appeal/2019-20 as barred by time.

Being aggrieved by the order passed by the Collector, Singrouli, the petitioner preferred an appeal before the Addl. Commissioner, Rewa, Division Rewa, Link Court, Sidhi, District Sidhi and the said appeal has also been dismissed by impugned order dated 18.2.2020.

Challenging the order passed by the Tribunals below, it is submitted by counsel for the petitioner that it is well established principle of law that a litigant should not suffer on account of mistake of his or her counsel and ,therefore, the Tribunals below should have condoned the delay by adopting a lenient view.

Heard learned counsel for the petitioner.

The petitioner was removed from service by order dated 23.12.2015. As per the Scheme, the petitioner had a remedy of filing an appeal within a period of ten days from the date of order of removal. However, it appears that she filed a representation before the Collector on 7.1.2016 seeking mercy and she never filed any appeal. Even this Court by order dated 29.11.2019 passed in W.P.No.20094/2019 was of the view that the petitioner has not availed the statutory remedy.

From the order passed by the Collector, Singrouli it is not clear that whether any application under section 5 of the Limitation Act was filed or not. Further more, the petitioner has not filed the copy of the application to point out the reasons for which the appeal was not filed within the period of ten days.

During the course of arguments, it was submitted by counsel for the petitioner that for the fault on the part of the counsel, the litigant should not suffer. However, this Court is unable to understand as to how the said principle would apply in the present case. It is not the case of the petitioner that the petitioner had preferred a representation on the advice of some Lawyer. As no reason much less sufficient reason has been shown for condonation of delay, this court is of the considered opinion that even after adopting a lenient view, the delay in filing the appeal by the petitioner cannot be condoned.

Accordingly, the orders dated 18.2.2020 passed by Commissioner Rewa Division, Rewa in Case No.525/appeal/2019-20, order dated 28.1.2020 passed by Collector, Singrouli in case No.64/appeal/2019-20 and order dated 23.12.2015 passed by Project Officer, Singrouli in Case No.CDP/1397 are hereby affirmed.

The petition fails and is hereby **dismissed**.

(G.S. AHLUWALIA)
JUDGE

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