

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 3639 of 2021

Ram Vilas Sarthi **Versus** State Of Chhattisgarh

25.04.2024	<p>Mr. S.S. Masih, counsel for the petitioner.</p> <p>Mr. Gary Mukhopadhyay, Govt. Advocate and Ms. Anuja Sharma, Panel Lawyer for the State.</p> <p>Mr. Anuroop Panda, counsel for respondents No. 2 and 3.</p> <p>The petitioner has filed present writ petition assailing order dated 15.04.2023 passed by the Accounts Officer of the Municipal Corporation, Korba by which the application filed by the petitioner for grant of compartionate appointment has been rejected on the ground that the petitioner has crossed 45 years of age after extending all the permissible age relaxations.</p> <p>Record of the case would show that the petitioner's father expired on 11.03.2020, immediately after that whole nation as well the whole world was adversely affected by the second surge of Covid Pandemic. The State Government had issued circular which was communicated to the head of the departments on 23.02.2019 wherein as per the Clause No. 15 of the Policy it is incumbent upon the Head or the appointing authority to inform within one month regarding grant of companionate appointment to the family of the deceased along with entire forms.</p> <p>The record would clearly demonstrate that the Corporation has not fulfilled its own obligation as required under the policy. The delay caused in preferring the application for companionate appointment is neither attributable to the Corporation nor the petitioner as the whole nation was hit by the Covid Pandemic during the period.</p> <p>Covid Pandemic had hampered not only judicial proceedings but also the normal life of citizens. The Hon'ble Supreme Court has considered the</p>

difficulties faced by the litigants in **Suo Motu Writ Petition (Civil) No. 3 of 2020 In Re : cognizance for extension of limitation** due to pandemic of COVID-19 and has passed the following order on 10.01.2022:-

“5. Taking into consideration the arguments advanced by learned counsel and the impact of the surge of the virus on public health and adversities faced by litigants in the prevailing conditions, we deem it appropriate to dispose of the M.A. No. 21 of 2022 with the following directions:

- I. The order dated 23.03.2020 is restored and in continuation of the subsequent orders dated 08.03.2021, 27.04.2021 and 23.09.2021, it is directed that the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.
- II. Consequently, the balance period of limitation remaining as on 03.10.2021, if any, shall become available with effect from 01.03.2022.
- III. In cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01.03.2022. In the event the actual balance period of limitation remaining, with effect from 01.03.2022 is greater than 90 days, that longer period shall apply.
- IV. It is further clarified that the period from 15.03.2020 till 28.02.2022 shall also stand excluded in computing the periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings.

The Clause 21 of the Policy also provides that if there is any difficulty faced in implementing the policy, the decision of the Government will be final. The Government is free to take decision. In the present case since the delay is neither fault of the Corporation nor the petitioner, but delay in preferring the application for companionate appointment has been occurred due to Covid Pandemic, it is directed that the Corporation shall forward proposal with regard to grant of companionate appointment to the petitioner to the General

Administration Department of the State and the State is directed to consider the case of the petitioner as one time measure within one month from the date of communication of the Corporation and file affidavit.

List this case on 31st July, 2024.

Sd/-

(Narendra Kumar Vyas)
JUDGE