



2026:CGHC:17853



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 1321 of 2022**

1 - Smt. Rajkunwar @ Moti Bai Sahu @ Yagya Kunwar W/o Ramfal Sahu, D/o Girdhari Sahu, Aged About 61 Years R/o. Village Bitkula, Tahsil Masturi, District Bilaspur (Chhattisgarh), District : Bilaspur, Chhattisgarh

2 - Devendra Kumar Sahu, S/o Ramfal Sahu, Aged About 34 Years R/o Village Bitkula, Tahsil Masturi, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

... Petitioner(s)**versus**

1 - National Thermal Power Corporation Limited Through The Chief General Manager, Jamnipali, Korba, District Korba (Chhattisgarh), District : Korba, Chhattisgarh

2 - Assistant Manager (Csr/ Land Acquisition) National Thermal Power Corporation Limited, Jamnipali, Korba, District Korba (Chhattisgarh), District : Korba, Chhattisgarh

... Respondent(s)

For Petitioner(s)	:	Mr. Yogesh Chandra, Advocate
For Respondent(s)	:	Mr. Anuroop Panda, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey**Order on Board****20/04/2026**

1. The petitioners have filed this petition seeking the following relief:-

"10.1 That, this Hon'ble Court may kindly be pleased to quash the impugned order dated 19-01-2022 (Annexure P-1) and remand the matter for fresh consideration over the claim giving opportunity of hearing to the petitioner.



10.2 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to grant employment to the petitioner No.2 in the lieu of the land acquired by the respondent company as per their prevailing Rehabilitation Policy.

10.3 That, the Hon'ble Court be further pleased to grant such other relief(s) as may be deemed fit and proper in the interest of justice and fair play.”

2. The facts in brief are that the land bearing survey Nos. 335, 370, 385/2, 387, 388, 569, 570/1, 578, 585, 586, 587, 589/3, 640/2, total admeasuring 4.47 acres, were earlier recorded in the name of father of petitioner No. 1, i.e. Girdhari, who died in the year, 1976, thereafter, petitioner No.1 inherited the aforesaid lands. Later on, the aforesaid land were acquired by the National Thermal Power Corporation in the years 1978–1979, and an award was passed on 28.03.1980. Compensation was also awarded to the landholder to the tune of Rs. 35,950.15. Petitioner No. 2 is the son of petitioner No. 1. Petitioner No. 2 applied for employment in lieu of land acquired for construction of Railway Track on 02.04.2021. As the claim was not considered & decided, therefore, WPS No. 5044 of 2021 was filed, which was disposed of vide order dated 21.09.2021 with a direction to the respondents to decide the claim within a period of three months. The respondent authorities rejected the claim of the petitioner No.2 vide order dated 19.01.2022. Against the said order, the present petition has been preferred.
3. Learned counsel appearing for the petitioners would argue that the respondent authorities rejected the claim of the petitioner No.2 on the ground that at the time of land acquisition, the name of petitioner No. 2 was not nominated by the landholder for employment. It has been held in the order impugned that only son/daughter or spouse of the landholder may apply for employment according to the rehabilitation



policy. He would contend that petitioner No. 2 is the son of petitioner No. 1. Petitioner No.1 is daughter of the original landholder; therefore, he would come within the definition of "dependent"; thus, the finding recorded by respondent No. 2 is bad in law and contrary rehabilitation policy.

4. On the other hand, learned counsel appearing for the respondents would oppose the submission made by counsel for the petitioners and submit that the land of the father of petitioner No. 1 was acquired in the year 1978-79 and immediately thereafter award was passed. He would contend that the name of petitioner No. 2 was never nominated by Girdhari for employment. The petition has filed in the year 2021 claiming employment in lieu of land acquisition which was disposed of with a direction to the respondent authorities to decide the claim of the petitioner No.2.
5. He would contend that petitioner No. 1, who is daughter of the original landholder, is claiming employment for her son, who would not come within the definition of dependent according to the rehabilitation policy; thus, the petition deserves to be dismissed.
6. I have heard learned counsel for the parties and perused the documents.
7. In the present case, the land was acquired in the year 1978-79 and thereafter award was passed; whereas the present petition has been filed in the year 2022. It is admitted fact that earlier a writ petition was filed. However, the said petition was disposed of with a direction to the respondent authorities to consider the claim of the petitioners and to take a decision within a period of three months.
8. In the instant petition, the petitioners have claimed employment after 42 years as land was acquired in the year 1978-79 & award was also passed thereafter. The claim of the petitioner is hit by principle of delay and latches.



9. The Supreme Court in the matter of ***Union of India and others v. Tarsem Singh*** reported in ***(2008) 8 SCC 652*** summarized the principles with regard to delay & laches in the following manner:-

“7. To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by filing a writ petition) or limitation (where remedy is sought by an application to the Administrative Tribunal). One of the exceptions to the said rule is cases relating to a continuing wrong. Where a service related claim is based on a continuing wrong, relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. But there is an exception to the exception. If the grievance is in respect of any order or administrative decision which related to or affected several others also, and if the reopening of the issue would affect the settled rights of third parties, then the claim will not be entertained. For example, if the issue relates to payment or re fixation of pay or pension, relief may be granted in spite of delay as it does not affect the rights of third parties. But if the claim involved issues relating to seniority or promotion, etc., affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied. Insofar as the consequential relief of recovery of arrears for a past period is concerned, the principles relating to recurring/successive wrongs will apply. As a consequence, the High Courts will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition.”

10. From the above quoted judgment, it is clear that delayed service-related claims are generally rejected due to delay or limitation;



however, an exception exists in cases of a continuing wrong where relief may still be granted despite delay. Nevertheless, this exception does not apply if granting relief would disturb the settled rights of third parties (such as in matters of seniority or promotion). In such cases, the claim will be treated as stale. Further, even where relief is granted, arrears are usually limited to a period of three years prior to filing the petition.

11. In paragraph 7 of the petition, it is stated that there is no delay in filing the petition; thus, the petitioners have failed to explain sufficient cause for such long delay.
12. The Hon'ble Supreme Court, in the matter of ***Tridip Kumar Dingal & ors v. State of West Bengal & others, (2009) 1 SCC 768***, in paragraph 56 to 58 held as under:-

“56. We are unable to uphold the contention. It is no doubt true that there can be no waiver of fundamental right. But while exercising discretionary jurisdiction under Articles 32, 226, 227 or 136 of the Constitution, this Court takes into account certain factors and one of such considerations is delay and laches on the part of the applicant in approaching a writ-Court. It is well settled that power to issue a writ is discretionary. One of the grounds for refusing reliefs under Article 32 or 226 of the Constitution is that the petitioner is guilty of delay and laches.

57. If the petitioner wants to invoke jurisdiction of a writ-Court, he should come to the Court at the earliest reasonably possible opportunity. Inordinate delay in making the motion for a writ will indeed be a good ground for refusing to exercise such discretionary jurisdiction. The underlying object of this principle is not to encourage agitation of stale claims and exhumed matters which have already been disposed of or settled or where the rights of third parties have accrued in the meantime [vide *State of M.P. & Anr. V. Bhailal Bhai*, (1964) 6 SCR 261; *Moon Mills v. Industrial Court, Bombay*, AIR 1967 SC 1450; *Bhoop Singh v. Union of India & Ors.*, (1992) 2 SCR 969]. This principle applies even in case of an infringement of fundamental right [vide *Trilokchand Motichand v. H.B. Munshi*, (1969) 1 SCC 110; *Durga Prasad v.*



Chief Controller, (1969) 1 SCC 185; Rabindranath Bose v. Union of India, (1970) 1 SCC 84].

57. There is no upper limit and there is no lower limit as to when a person can approach a Court. The question is one of discretion and has to be decided on the basis of facts before the Court depending on and vary from case to case. It will depend upon what the breach of fundamental right and the remedy claimed are and when and how the delay arose.”

13. It is the duty of the court to scrutinize whether such enormous delay is to be ignored without any justification. Remaining innocuously oblivious to such delay does not foster the cause of justice. A court is not expected to give indulgence to such indolent persons; such delay does not deserve any indulgence, and on the said ground alone, the writ petition may be dismissed. The doctrine of delay and laches, or for that matter, statutes of limitation, are considered to be statutes of repose and statutes of peace. There must be a lifespan during which a person must approach the court for a remedy. Otherwise, there would be unending uncertainty as to the rights and obligations of the parties.
14. Accordingly, the petition being hit by delay and laches, deserves to be and is hereby **dismissed**.

Sd/-

Rakesh Mohan Pandey

JUDGE