



2026:CGHC:21634

AFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 1989 of 2022**

Dr. (Smt.) Nagina Tandon W/o Late Dr. R.P. Tandon, Aged About 56 Years R/o 47, Geetanjali Vihar, Nehru Nagar, Bilaspur, Chhattisgarh.

--- Petitioner**versus**

1 - State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan Atal Nagar, Raipur.

2 - Director, Directorate Of Health And Family Welfare Department, Indravati Bhawan, Atal Nagar Raipur.

3 - Dr. Jayprakash Diwan, C/o, Director, Directorate Of Health Adn Family Welfare Department, Indravati Bhawan Atal Nagar, Raipur.

4 - Dr. Kamla Kant Shori C.O, Director, Directorate Of Health And Family Welfare Department, Indravati Bhawan, Atal Nagar, Raipur.

5 - Dr. Kalesh Tembhurne, C/o, Director, Directorate Of Health And Family Welfare Department, Indravati Bhawan, Atal Nagar, Raipur.

6 - Dr. Rajesh Bhajgawali, C/o, Director, Directorate Of Health And Family Welfare Department, Indravati Bhawan, Atal Nagar, Raipur.

7 - Dr. Vasudev Kumeti, C/o, Director, Directorate Of Health And Family Welfare Department, Indravati Bhawan, Atal Nagar, Raipur.

8 - Dr. Tarun Kumar Tonder, C/o, Director, Directorate Of Health And Family Welfare Department, Indravati Bhawan, Atal Nagar, Raipur.

--- Respondent(s)**with**

**WPS No. 1991 of 2022**

Dr. Jaykumari Choudhary D/o Shri C. O. Choudhary, Aged About 46 Years R/o Saraibhadar, Ward No. 34, Nawapara, Raigarh District Chhattisgarh.

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan Atal Nagar, Raipur.

2 - Director, Directorate Of Health And Family Welfare Department, Indravati Bhawan, Atal Nagar, Raipur.

3 - Dr. Jayprakash Diwan, C/o, Director, Directorate Of Health And Family Welfare Department, Indravati Bhawan, Atal Nagar, Raipur.

4 - Dr. Kamal Kant Shori, C/o, Director, Directorate Of Health And Family Welfare Department, Indravati Bhawan, Atal Nagar, Raipur.

5 - Dr. Kamlesh Tembhurne, C/o, Director, Directorate Of Health And Family Welfare Department, Indravati Bhawan, Atal Nagar, Raipur.

6 - Dr. Rajesh Bhajgawali, C/o, Director, Directorate Of Health And Family Welfare Department, Indravati Bhawan, Atal Nagar, Raipur.

7 - Dr. Vasudev Kumeti, C/o, Director, Directorate Of Health And Family Welfare Department, Indravati Bhawan, Atal Nagar, Raipur.

8 - Dr. Tarun Kumar Tonder, C/o, Director, Directorate Of Health And Family Welfare Department, Indravati Bhawan, Atal Nagar, Raipur.

--- **Respondent(s)**

For Petitioner(s)	:	Dr. Veena Nair, Advocate
For Respondent(s)	:	Mr. Vivek Siddharth Ojha, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

08/05/2026



1. In WPS No.1989 of 2022, the petitioner has sought the following relief(s):-

“10.1 That this Hon'ble Court may be pleased to direct the respondents to consider the case of the petitioner for promotion to the post of Senior Medical Officer from the date her juniors have been promoted and fix her pay and pay her arrears of pay.

10.2 That this Hon'ble Court may be pleased to direct the respondents to issue no promotion order to her juniors infringing her rights for promotion.

10.3 This Hon'ble Court may further be pleased to grant her notional seniority after her promotion above her juniors who have been promoted on earlier occasions.

10.4 This Hon'ble Court may be pleased to grant any other or further relief as deemed fit in favour of the petitioner in the interest of justice.”

2. In WPS No.1991 of 2022, the petitioner has sought the following relief(s):-

“10.1 That this Hon'ble Court may be pleased to direct the respondent to consider the case of the petitioner for promotion to the post of Senior Medical Officer from the date her juniors have been promoted and fix her pay and pay her arrears of pay.

10.2 That this Hon'ble Court may be pleased to direct the respondents to issue no promotion order to her juniors unflinching her rights for promotion.

10.3 This Hon'ble Court may further be pleased to grant her notional seniority after her promotion above her juniors who have been promoted on earlier occasions.

10.4 This Hon'ble Court may be pleased to grant any other or further relief as deemed fit in favour of the petitioner in the interest of justice.”

3. Learned counsel appearing for the petitioner in WPS No. 1989 of 2022 would submit that the petitioner was initially appointed as a Medical



Officer on contractual basis on 09.02.1996 and, after rendering about five years of continuous service, she was appointed to the post of Medical Officer (Regular post) through the exam conducted by the MPPSC on 29.12.2000 without any break in service. She would further submit that during her service tenure, the petitioner enhanced her professional qualifications by obtaining a Post Graduate Diploma in Tuberculosis and Chest Disease (DTCD) in the year 2005 and thereafter discharged important administrative and medical responsibilities, including functioning as CMO and District Tuberculosis & Chest Disease Incharge for several years.

She would further submit that despite possessing all requisite qualifications, experience and eligibility for promotion to the post of Senior Medical Officer, the petitioner's case was ignored by the respondents, whereas several officers junior to her were promoted in the year 2020. She would argue that several representations were made by the petitioner but no heed was paid; thus, the petitioner is entitled for consideration and grant of promotion from the date her juniors were promoted, along with all consequential benefits.

4. Learned counsel appearing for the petitioner in WPS No.1991 of 2022 would submit that several Doctors in the Medical Department were initially appointed on ad-hoc basis without undergoing the PSC selection process. She would further submit that despite the petitioner being senior and duly selected through PSC in the year 2000, the respondents promoted several Medical Officers junior to her to the post of Senior Medical Officer in the year 2020 ignoring legitimate claim of the petitioner for promotion. She would also submit that though the Directorate of Health Services subsequently called for service particulars of post graduate Medical Officers, the respondents, while considering cases for promotion, acted arbitrarily and promoted junior to the petitioner.



5. She would argue that representations were made before the respondent authorities, but no action has been taken in favour of the petitioner. She would submit that according to Chhattisgarh Civil Services Promotion Rules, 2003, eligible officers having requisite qualifying service are entitled to consideration for promotion and the respondents are under obligation to convene Departmental Promotion Committee meetings regularly every year.
6. On the other hand, learned counsel appearing for the respondents/State would oppose the submissions made on behalf of the petitioners and submit that both the writ petitions suffer from delay and laches and, are therefore, not maintainable. He would further submit that the cause of action arose much earlier when the seniority lists were published and when the alleged junior officers were promoted, however the petitioners approached this Court only in the year 2022 after an inordinate delay.

Learned State counsel would contend submit that repeated representations made by the petitioners do not give rise to a fresh cause of action nor can they furnish an explanation for condoning delay. He would further contend that entertaining such stale claims at this stage would adversely affect the settled rights of third parties who have already been promoted.

7. Heard learned counsel for the parties and perused the documents annexed with the petitions.
8. Recently, the Hon'ble Supreme Court in the matter of ***State of Tamil Nadu & Anr v. R. Sasipriya*** 2026 INSC 446, while dealing with issue with regard to delay and laches in service related claims held that fence-sitters cannot be permitted to raise a dispute relating to seniority and consequential promotion or challenge the validity of an order after the matter has concluded. No party can claim relief as a



matter of right, and one of the well-recognised grounds for refusing relief is that the person approaching the Court is guilty of delay and laches. A court exercising public law jurisdiction does not encourage the agitation of stale claims, particularly in matters of seniority and promotion, where the rights of third parties have crystallised in the interregnum. The relevant para 25.2 is reproduced as under:-

"25.2. This Court finds him to be a fence-sitter. It is settled law that fence-sitters cannot be permitted to raise a dispute relating to seniority and consequential promotion or challenge the validity of an order after the matter has concluded. No party can claim relief as a matter of right, and one of the well-recognised grounds for refusing relief is that the person approaching the Court is guilty of delay and laches. A court exercising public law jurisdiction does not encourage the agitation of stale claims, particularly in matters of seniority and promotion, where the rights of third parties have crystallised in the interregnum [See *Shiba Shankar Mohapatra and others v. State of Orissa and others*, (2010) 12 SCC 471]. Therefore, no relief can be granted to the impleading applicant."

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 these petitions, 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. In the present case, the petitioners are seeking consideration for promotion & seniority, and are also challenging the promotion orders dated 10/01/2020 and officiating arrangement dated 10/03/2022. However, the seniority lists have already been published on 01/04/2017



& 01/04/2019 respectively and the petitioners were fully aware of their grievances much prior to filing of the present writ petitions. Despite such knowledge, the petitioners did not approach this Court within a reasonable period and merely continued submitting representations before the authorities. It is well settled that repeated representations do not extend limitation nor revive a stale cause of action. The relief claimed by the petitioners pertains to promotion and seniority, which directly affects the vested rights of other officers who have already been promoted. Thus, the claims raised by the petitioners suffer from delay and laches.

13. Taking into consideration the above stated facts and law, this Court is of the considered opinion that the present writ petitions suffer from delay and laches. Accordingly, WPS No.1989 of 2022 and WPS No.1991 of 2022 being devoid of merit are hereby **dismissed**. No order as to costs.

Sd/-

Rakesh Mohan Pandey

JUDGE

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