



2026:CGHC:20600-DB



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 318 of 2026**

Hem Bai D/o Kuwanru Ram Satnami Aged About 36 Years R/o Village-
Birkona Tehsil Pandariya District- Kabirdham (C.G.)

... Appellant(s)**versus**

1. Smt. Anusuiya Bai W/o Krishna Kumar Miri Aged About 35 Years
R/o Village- Birkona Tehsil Pandariya District- Kabirdham (C.G.)
(Petitioner)
2. State of Chhattisgarh Through Principal Secretary Women And
Child Department D.K.S. Bhavan Raipur District- Raipur
Chhattisgarh, (Respondent No 2)
3. Chief Executive Officer Janpad Panchayat Tahsil Pandariya
District- Kabirdham (C.G.) (Respondent No 3)
4. Project Officer Integrated Women And Child Development Project,
Pandariya District- Kabirdham (C.G.) (Respondent No 4)
5. Commissioner Raipur Division Raipur (C.G.) (Respondent No 5)
6. Collector Kabirdham District- Kabirdham (C.G.) (Respondent No6)

..Respondent(s)

(Cause-title taken from Case Information System)



For Appellant	:	Ms. Anushree Rajput, Advocate.
For Respondent No. 1	:	Mr. Goutam Khetrapal, Advocate.
For Respondent/State	:	Mr. Prasun Bhaduri, Deputy Advocate General.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

04.05.2026

1. Heard Ms. Anushree Rajput, learned counsel for the appellant. Also heard Mr. Goutam Khetrapal, learned counsel, appearing for respondent No. 1 and Mr. Prasun Bhaduri, learned Deputy Advocate General, appearing for the State.

2. The present intra-Court appeal has been preferred by the appellant challenging the orders dated **24.06.2024** and **24.04.2025** passed by the learned Single Judge in **WPS No. 1241 of 2011 (Smt. Anusiya Bai vs. State of Chhattisgarh & Others)** and **REVP No. 201 of 2025 (Smt. Hem Bai vs. Smt. Anusiya Bai & Others)**, whereby the writ petition filed by writ petitioner/respondent No. 1 herein was allowed and the review petition preferred by the appellant herein was dismissed.

3. The appellant has also filed I.A. No. 1 of 2026 seeking condonation of delay of 577 days in filing the present appeal.

4. Learned counsel for the appellant submits that the delay is neither intentional nor deliberate, but has occurred due to bona fide reasons. It is contended that while considering an application for condonation of



delay, a liberal and justice-oriented approach ought to be adopted so that substantial justice is not defeated on technical grounds. In support of the said submission, reliance has been placed on the judgment in ***Priyanka Tapasvi Patel vs. Lilavantiben Shankarlal Thakkar, through POA Mansukhlal & Another***, reported in **2010 SCC Online Guj 13228**, wherein it has been held that the expression “sufficient cause” under Section 5 of the Limitation Act must receive a liberal and pragmatic interpretation so as to advance substantial justice.

5. Placing reliance on the aforesaid judgment, learned counsel for the appellant submits that the law of limitation is not meant to defeat the rights of parties on mere technicalities. It is urged that where the explanation for delay is bona fide and not tainted with mala fides, the Court should lean in favour of condonation. It is further submitted that a pedantic approach should be avoided, and unless the delay is attributable to gross negligence or deliberate inaction, the same deserves to be condoned in the interest of justice.

6. *Per contra*, learned State counsel and learned counsel, appearing for respondent No. 1 oppose the application and submit that there is an inordinate delay of 577 days, for which no satisfactory or cogent explanation has been furnished. It is contended that in the absence of sufficient cause, the appeal is clearly barred by limitation and is liable to be dismissed.

7. Upon perusal of the application for condonation of delay, it is evident that the appellant has failed to furnish a satisfactory explanation



for the inordinate delay of 577 days in filing the writ appeal. The reasons assigned are vague and general in nature and do not adequately explain the prolonged inaction. In the absence of a cogent and convincing explanation, the appeal is barred by limitation and suffers from delay and laches.

8. The Hon'ble Supreme Court in the matter of ***Union of India & Others vs. Tarsem Singh***, reported in ***(2008) 8 SCC 652*** summarized the settled principles 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.”

9. The Hon'ble Supreme Court in the matter of **C. Jacob v. Director of Geology and Mining and others**, reported in **(2008) 10 SCC 115**, having found that the employee suddenly brought up a challenge to the order of termination of his services after 20 years and claimed all consequential benefits, held that the relief sought for was inadmissible. The legal position in this regard was laid out in the following terms:-

“10. Every representation of the Government for relief, may not be applied on merits. Representations relating to matters which have become stale or barred by limitation, can be rejected on that ground alone, without examining the merits of the claim. In regard to representations unrelated to the Department, the reply



may be only to inform that the matter did not concern the Department or to inform the appropriate Department. Representations with incomplete particulars may be replied by seeking relevant particulars. The replies to such representations, cannot furnish a fresh cause of action or revive a stale or dead claim.

11. When a decision is issued by a court/tribunal to consider or deal with the representation, usually the directee (person directed) examines the matter on merits, being under the impression that failure to do so may amount to disobedience. When an order is passed considering and rejecting the claim or representation, in compliance with direction of the court or tribunal, such an order does not revive the stale claim, nor amount to some kind of “acknowledgement of a jural relationship” to give rise to a fresh cause of action.

12. When a government abandons service to take alternative employment or to attend to personal affairs, and does not bother to send any letter seeking leave or letter of resignation or letter of voluntary retirement, and the records do not show that he is treated as being in service, he cannot after two decades, represent that he should be taken back to duty. Nor can such employee be treated as having continued in service, thereby deeming the entire period as qualifying service for the purpose of pension. That will be a travesty of justice.

13. Where an employee unauthorisedly absents himself and suddenly appears after 20 years and demands that he should be taken back and



approaches the court, the department naturally will not or may not have any record relating to the employee at that distance of time. In such cases, when the employer fails to produce the records of the enquiry and the order of dismissal/removal, court cannot draw an adverse inference against the employer for not producing records, nor direct reinstatement with back wages for 20 years, ignoring the cessation of service or the lucrative alternative employment of the employee. Misplaced sympathy in such matters will encourage discipline, lead to unjust enrichment of the employee at fault and result in drain of public exchequer. Many a time there is also no application of mind as to the extent of financial burden, as a result of a routine order for back wages.”

10. The judgment relied upon by the appellant in ***Priyanka Tapasvi Patel*** (supra) reiterates that while considering an application for condonation of delay, the Court should adopt a liberal and justice-oriented approach where sufficient cause is shown and the explanation is bona fide. However, the said judgment does not lay down that delay must be condoned irrespective of the length of delay or in the absence of a satisfactory explanation.

11. In the present case, the appellant has failed to demonstrate sufficient cause for the inordinate delay of 577 days. No specific or day-to-day explanation has been furnished. The reasons assigned are vague and general in nature and do not justify such prolonged inaction. Therefore, the ratio of the judgment relied upon by the appellant does not advance her case and is clearly distinguishable on facts.



12. In light of the principles of law laid down by the Hon'ble Supreme Court in the aforesaid judgments and considering the grounds urged in I.A. No. 1 of 2026, this Court does not find any sufficient cause to condone the delay of 577 days in filing the present writ appeal.

13. Accordingly, I.A. No. 1 of 2026 seeking condonation of delay is **rejected**. Consequently, the writ appeal, being barred by limitation, is **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice