



2026:CGHC:17340-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 304 of 2026**

Smt. Durgawati Yadav W/o Rameshwar Parasad Yadav Aged About 63 Years Retired Assistant Teacher, Tularam Arya Girls Middle School Durg, Presently Residing At House No. 9-C, Street No. 28, Sector 8 Bhilai, District- Durg (Cg)

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

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (Cg)
2. Director Directorate Of Public Instruction, Indrawati Bhawan, Atal Nagar, Naya Raipur, District Raipur (Cg)
3. Joint Director Education Division Durg, District Durg (Cg)
4. District Education Officer Durg, District Durg (Cg)
5. Block Education Officer Durg, District Durg (Cg)
6. The Principal Tularam Arya Girls Middle School Durg, District- Durg (Cg)

...Respondent(s)

(Cause-title taken from Case Information System)



For Appellant : None.
For Respondent/State : Mr. Shashank Thakur, Additional
Advocate General.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

16.04.2026

1. None appears, nor is any representation made on behalf of the appellant to press this appeal when the case is called out.
2. Mr. Shashank Thakur, learned Additional Advocate General, appearing for the State, is present.
3. The present intra-Court appeal has been preferred by the appellant assailing the order dated **28.11.2025** passed by the learned Single Judge in **WPS No. 13432 of 2025 (Smt. Durgawati Yadav vs. State of Chhattisgarh & Others)**, whereby the writ petition filed by the appellant/writ petitioner herein has been disposed off.
4. The appellant has also filed I.A. No. 1 of 2026, seeking condonation of delay of 55 days in filing the present appeal.
5. On perusal of the application for condonation of delay, it is evident that the appellant has failed to furnish a day-to-day explanation for the inordinate delay of 55 days in filing the writ appeal. In absence of a satisfactory explanation, the appeal is barred by limitation and suffers from delay and laches, and therefore, is not liable to be entertained.



6. 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.”

7. 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.”

8. In the light of principle of law laid down by the Hon'ble Supreme Court in the above-stated judgments (supra) and considering the grounds raised in I.A. No. 1 of 2026, we do not find any good ground to condone the delay of 55 days in preferring the writ appeal.
9. Accordingly, I.A. No. 1 of 2026 is **rejected** and consequently thereto, the writ appeal is **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice