



2026:CGHC:28358-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 567 of 2026

1 - State Of Chhattisgarh Through Secretary, Department Of Higher Education, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District- Raipur (C.G.)

2 - Commissioner Higher Education, Govt. Of Chhattisgarh, Raipur, District Raipur (C.G.)

3 - Principal C.M.D. Post Graduate College, Bilaspur District Bilaspur (C.G.)

... Appellant

versus

K.S. Yadav S/o Pajan Singh Yadav Aged About 76 Years R/o Nishant Bhawan, Implipara, Street No. 2, Bilaspur, Tahsil And District Bilaspur (C.G.)

... Respondent

For Appellants : Mr.P.K.Bhaduri, Deputy Advocate General

For Respondent : Mr.Manish Upadhyay, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

09.07.2026

1. Heard Mr.P.K.Bhaduri, learned Deputy Advocate General appearing for the appellants/State as well as Mr.Manish Upadhyay,



learned counsel appearing for the respondent on I.A.No.01/2026, which is an application for condonation of delay of 587 days in filing the writ appeal.

2. The present intra Court appeal has been filed by the appellants/State against the order dated 20.08.2024 passed by the learned Single Judge in **WPS No. 4258/2014**, whereby learned Single Judge has disposed of the writ petition filed by the respondent herein.

3. From perusal of application for condonation of delay, it is apparent that learned State counsel has not given day to day explanation of inordinate delay of 587 days in filing the writ appeal, as such, the writ appeal is barred by delay and laches and is not liable to be entertained.

4. 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.”

5. 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.”.

6. The Supreme Court in **State of Orissa v. Laxmi Narayan Das, (2023) 15 SCC 273** has held that unexplained delay and laches would have in availing remedies. The Court in that case was concerned with a challenge to finally published record of rights. Taking note of multiple precedents in the field on the subject of delay or laches disentitling a party to relief, it was held that a writ petition filed 46 (forty-six) years after final publication was grossly belated and that no relief could have been made available to the respondents/writ petitioners.

7. In the case of **Surjeet Singh Sahni v. State of Uttar Pradesh and others, (2022) 15 SCC 536**, the Hon'ble Supreme Court has held that mere filing of representation does not extend the period of limitation and the aggrieved person has to approach the Court expeditiously and within a reasonable time. Paragraph 8 of the judgment reads as follows :-



“8. As observed by this Court in a catena of decisions, mere representation does not extend the period of limitation and the aggrieved person has to approach the Court expeditiously and within a reasonable time. If it is found that the writ petitioner is guilty of delay and laches, the High Court should dismiss it at the threshold and ought not to dispose of the writ petition by relegating the writ petitioner to file a representation and/or directing the authority to decide the representation, once it is found that the original writ petitioner is guilty of delay and laches. Such order shall not give an opportunity to the petitioner to thereafter contend that rejection of the representation subsequently has given a fresh cause of action.”

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. 01 of 2026, we do not find any good ground to condone the delay of 587 days in preferring the writ appeal.

9. Accordingly, I.A. No. 01 of 2026 is **rejected** and consequent thereto, the writ appeal is **dismissed**.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice