



2025:CGHC:48408-DB



2026:CGHC:18805-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WA No. 689 of 2025**

Surendra Kumar Choubey S/o Late Shri Kapil Deo Choubey Aged About 61 Years Posted As Director, State Resources Centre, Women And Child Development Department, Raipur Chhattisgarh., District Raipur, Chhattisgarh

--- Appellant(s)**versus**

1 - State Of Chhattisgarh Through- Secretary, Women And Child Welfare Department, Mahanadi Bhawan, New Raipur, District- Raipur Chhattisgarh.(Respondent No. 1)

2 - Chhattisgarh Public Service Commission, Through- Secretary, Chhattisgarh State Public Service Commission, Raipur, Shankar Nagar, Raipur, District- Raipur Chhattisgarh.(Respondent No. 2)

3 - Nandlal Choudhary, Secretary, Rajya Baal Adhikar Sanrakshan Ayog, Raipur Chhattisgarh., District Raipur, Chhattisgarh. (Presently Posted As Joint Director, Directorate, Woman A And Child Development, Chhattisgarh, Indravati Bhavan Raipur, District Raipur C.G.)(Respondent No. 3)

4 - Rajesh Singhi, Special Assistant To Shri Rajesh Munat, Minister, Pwd And Transport Department, Government Of Chhattisgarh, Raipur., District Raipur, Chhattisgarh. (Presently Posted As Special Assistant To Lakan Lal Devangan, Ministry Of Labour And Industries, Government Of Chhattisgarh, Naya Raipur, District Raipur C.G.) (Respondent No. 04)

--- Respondent(s)



For Appellant(s) : Mr. Anup Majumdar, Advocate
For Respondent(s) : Mr. Prasun Bhaduri, Dy. A.G. and Dr. Sudeep
Agrawal, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

23.04.2026

1. Heard Mr. Anup Majumdar, learned counsel for the appellant. Also heard Mr. Prasun Bhaduri, learned Deputy Advocate General for respondents / State and Dr. Sudeep Agrawal, learned counsel for respective respondent.
2. The appellant has filed this writ appeal against the order dated 16.06.2025 passed by the learned Single Judge in W.P. (S). No. 5054 of 2018 (***Surendra Kumar Choubey vs. State of Chhattisgarh and others***) whereby the learned Single Judge has dismissed the writ petition filed by the writ petitioner / appellant herein on the ground of delay and laches.
3. Brief facts of the case are that the writ petitioner/appellant herein was appointed to the post of District Women and Child Development Officer on 03.09.1995. He was promoted to the post of Deputy Director on 25.04.1998. For promotion to the next post i.e. Joint Director, the requirement was experience of 05 years. The writ petitioner had completed 05 years of service in the year 2003. In the gradation list issued on 01.04.2004, the writ petitioner was placed at serial no. 03 and junior to the writ petitioner, namely Prateek Khare



was promoted to the post of Joint Director in the year 2005. The writ petitioner challenged the promotion order by filing WP(S) No. 5603/2017. Another DPC was convened for promotion to the post of Joint Director on 29.12.2015 and the name of the writ petitioner was within the zone of consideration. The ACRs from the years 2010 to 2014 were taken into consideration, but the name of the writ petitioner was not found suitable as his grade in ACR of the year 2012 was lower. The juniors to the writ petitioner, namely Rajesh Kumar Singhi and Nand Lal Choudhary were considered for promotion. The criteria for promotion to the post of Joint Director were merit-cum-seniority. It is also pleaded that the ACR of the year 2012 was never communicated to the writ petitioner. Being aggrieved by the same, the writ petitioner / appellant herein preferred WP(S) No. 5054/2018, however, the learned Single Judge vide impugned order dated 16.06.2025, dismissed the writ petition filed by the appellant on the ground of delay and laches. Hence this present appeal.

4. Learned counsel for the appellant submits that the impugned order dated 16.06.2025 passed by the learned Single Judge is wholly contrary to the facts on record as well as settled principles of law, and thus unsustainable. It is contended that the learned Single Judge has erroneously relied upon judgments which are distinguishable on facts and not applicable to cases involving claims of promotion, while completely ignoring the material aspects brought on record by the appellant. It is further submitted that the finding regarding delay is perverse, inasmuch as the appellant had clearly



explained in paragraph 07 of the writ petition that the cause of action arose only upon receipt of the minutes of the Departmental Promotion Committee and upon acceptance of his representation by the Minister-in-Charge for further consideration, and therefore, it is incorrect to hold that the appellant had failed to justify the delay in approaching the Court. Learned counsel further submits that the observation made in paragraph 05 of the impugned order, treating rejection of representation against adverse confidential report as an admitted fact, is factually incorrect and unsupported by record, as no such rejection order was ever passed or produced by the State, thereby rendering the finding perverse. It is also contended that the learned Single Judge failed to consider binding precedents, including ***Shiba Shankar Mohapatra & Ors. v. State of Orissa & Ors., (2010) 12 SCC 471***, wherein it has been held that challenge to promotion can be entertained within a reasonable period of 3-4 years, and the present case falls within such permissible period.

5. Further, reliance is placed on ***R.K. Jibanlata Devi v. High Court of Manipur (2023 LiveLaw (SC) 139)***, to contend that uncommunicated adverse entries in the Annual Confidential Report (ACR) cannot be relied upon to deny promotion, and since the appellant was never afforded an opportunity to represent against such adverse entries within the prescribed time, the denial of promotion is illegal. Learned counsel also places reliance on the judgment of the Hon'ble Supreme Court in *Dev Dutt v. Union of India*, wherein it has been categorically held that all ACR entries must be communicated to the employee, enabling him to make a



representation, which must then be duly considered; however, in the present case, the ACRs were never communicated, yet were relied upon to the prejudice of the appellant. It is further submitted that the statutory provisions under the Chhattisgarh State Civil Services (Promotion) Rules, 2003, particularly Rule 7(1) and 7(5), have been violated, as the Departmental Promotion Committee was not convened in accordance with the prescribed timeline, nor were the relevant ACRs of preceding years properly considered, thereby vitiating the entire promotion process. It is also urged that the appellant had been diligently pursuing his grievance by submitting multiple representations and seeking information under the Right to Information Act, and the delay, if any, is attributable to the inaction of the State authorities and not to the appellant. In these circumstances, it is submitted that the impugned order suffers from non-application of mind, ignores material evidence and settled legal principles, and therefore deserves to be set aside.

6. Learned counsel for the appellant, lastly submits that the appellant was granted promotion on an ad-hoc basis to the post of Joint Director vide order dated 20.02.2019, owing to the fact that respondent No. 4 had been sent on deputation to another department for a period exceeding two years. However, upon repatriation of respondent No. 4 to the parent department, namely the Women and Child Welfare Department, and in the absence of any available vacant post, the said ad-hoc promotion of the appellant came to be cancelled vide order dated 03.10.2022, thereby reverting the appellant to his substantive post. It is



contended that such cancellation has caused serious prejudice to the appellant.

7. On the other hand, learned counsel for respondents opposes the submissions made by the learned counsel for the appellant and submits that the learned Single Judge after considering all the aspects of the matter has rightly dismissed the writ petition filed by the writ petitioner / appellant herein, in which no interference is called for.
8. We have heard learned counsel for the parties and perused the impugned order and other documents appended with writ appeal.
9. On a perusal of the impugned order, it reveals that the learned Single Judge has dismissed the writ petition primarily on the ground of delay and laches, observing that the order of promotion was issued on 05.01.2016 whereas the writ petition came to be filed on 31.07.2018, and that the appellant had failed to satisfactorily explain the delay in approaching the Court. The learned Single Judge has further held that the appellant ought to have approached the Court within a reasonable period of six months to one year and that entertaining the petition after such lapse of time would unsettle the settled position of respondents No. 3 and 4, who had already been promoted. It has also been observed that the doctrine of delay and laches is founded on sound public policy to ensure finality in litigation and to prevent prejudice to accrued rights of third parties, and that courts ought not to extend indulgence to litigants who approach belatedly without sufficient cause. Placing reliance on judgments



passed by Hon'ble Supreme Court, the learned Single Judge concluded that the appellant had not furnished any plausible explanation for the delay, and accordingly dismissed the writ petition at the threshold solely on the ground of inordinate delay and laches.

10. Considering the submissions made by the learned counsel appearing for the parties and upon perusing the impugned order, we notice that the same has been rendered by the learned Single Judge with cogent and justifiable reasons. In an intra-court appeal, no interference is usually warranted unless palpable infirmities are noticed on a plain reading of the impugned order. In the facts and circumstances of the instant case, on a plain reading of order, we do not notice any such palpable infirmities or perversities, as such we are not inclined to interfere with the impugned order.
11. Accordingly, the writ appeal being devoid of merit is liable to be and is hereby **dismissed**. No cost(s).

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice