



2026:CGHC:3488-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 48 of 2026

- 1 - State Of Chhattisgarh Through Its Chief Secretary, Mahanadi Bhawan, Mantralya, New Raipur, Chhattisgarh
- 2 - Principal Secretary Chhattisgarh, Govt. Koshal Vikas Technical Education And Rojgar Department Mahanadi Bhawan Mantralya New Raipur, Chhattisgarh, District Raipur, Chhattisgarh
- 3 - Principal Secretary Chhattisgarh, Govt. Man Power And Planning Department, Mahanadi Bhawan Mantralya New Raipur, Chhattisgarh, District Raipur, Chhattisgarh
- 4 - Commissioner Directorate Employment And Training Indrawati Bhawan, New Raipur, Chhattisgarh, District Raipur, Chhattisgarh
- 5 - Joint Director Training Industrial Training Institute, Bastar Zone, Chhattisgarh, District Bastar(Jagdalpur), Chhattisgarh

... **Appellant(s)**

versus

- 1 - Satyaprakash Upadhyay S/o Late S.K. Upadhyay Aged About 42 Years R/o Village Jhalmala Post Office-Jhalmala, Tahsil And District-Balod, Chhattisgarh
- 2 - Rajesh Kumar Awasthi S/o Shri K.N. Awasthi Aged About 42 Years R/o Near Truck Body Panch Mandir, P.N. 552 Pawar Colony Ram Nagar Supela Bhilai, District Durg, Chhattisgarh
- 3 - Sudhir Kumar Gupta S/o Shri Nirmal Kumar Gupta Aged About 37 Years R/o Near Bus Stand Kranti Ladge, Keshkal Tehsil District Kondagaon, Chhattisgarh



4 - Vishnu Prasad Sahu S/o Late Itwari Ram Aged About 46 Years R/o Village Haldi, P.O. Haldi, Tehsil- Gunderdehi, District Balod, Chhattisgarh

5 - Bhupendra Kumar Gritlahare S/o Shri Ram Kumar Gritlahare Aged About 32 Years R/o Village Chicholi, P.O. Temri Tehsil- Nawagarh, District Bemetara, Chhattisgarh

6 - Satish Tiwari S/o Shri Shri Laxmi Kumar Tiwari Aged About 42 Years R/o Post Office Karnaud Through Bamhndih, Tehsil- Champa, District- Janjgir-Champa, Chhattisgarh

... Respondent(s)

For Appellant(s) : Mr. Prasun Kumar Bhaduri, Dy. A.G.

For Respondent(s) : Ms. Deepali Pandey, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

21.01.2026

1. Heard Mr. Prasun Kumar Bhaduri, learned Deputy Advocate General for the appellant/State on I.A. No.02 of 2025, which is an application for condonation of delay. Also heard Ms. Deepali Pandey, learned counsel for respective respondents.
2. The appellant has filed this writ appeal against an order dated 18.03.2025 passed by the learned Single Judge in WPS No. 368/2017 (***Satyaprakash Upadhyay and Others Vs. State of Chhattisgarh and Others***), by which the learned Single Judge has dismissed of the writ petitions filed by the writ petitioners.



3. On a pointed query being made to the learned for the appellants / State as to why he has approached this Court against the impugned order dated 18.03.2025, after an inordinate delay of 207 days, he has not offered any plausible explanation or any cogent reason for delay in filing the writ appeal.
4. Learned counsel for the respondents submits that the writ appeal is barred by delay and laches and further there is no cogent reason or explanation has been given in the delay and laches application filed for condonation of delay. Hence, the appeal is not liable to be entertained.
5. The Supreme Court in the matter of ***Union of India and others v. 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.”

6. The 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."



7. In the light of principle of law laid down by the Supreme Court in the above-stated judgments (supra) and considering the grounds raised in I.A. No. 02 of 2025, for condoning the delay of 207 days is not at all explained with cogent reason, hence we do not find any good ground to condone the delay of 207 days in preferring the writ appeal.
8. Accordingly, I.A. No. 02 of 2025 is rejected and consequently thereto, the writ appeal is **dismissed**.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Manpreet