



2026:CGHC:3751-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 21 of 2026**

- 1** - State Of Chhattisgarh Through Its Chief Secretary, Chhattisgarh Govt. Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh (Respondent No. 1)
- 2** - Principal Secretary Chhattisgarh Govt. Koshal Vikas Technical Education And Rojgar Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh, District - Raipur, Chhattisgarh (Respondent No. 2)
- 3** - Principal Secretary Chhattisgarh Govt. Man Power And Planning Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh, District - Raipur, Chhattisgarh (Respondent No. 3)
- 4** - Secretary Chhattisgarh Govt. Koshal Vikas Technical Education And Rojgar Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh, District - Raipur, Chhattisgarh (Respondent No. 4)
- 5** - Commissioner Directorate Employment And Training, Indrawati Bhawan, New Raipur, Chhattisgarh, Dist. Raipur, Chhattisgarh (Respondent No. 5)
- 6** - Joint Director Training Directorate Employment And Training Indrawati Bhawan, New Raipur, Chhattisgarh, Dist. Raipur, Chhattisgarh (Respondent No. 6)
- 7** - Joint Director Training Industrial Training Institute, Raipur Zone, Chhattisgarh, Dist. Raipur, Chhattisgarh (Respondent No. 7)
- 8** - Principal/training Superintendent/institute Incharge Industrial Training Institute, Durg, Durg Zone, Chhattisgarh, District - Durg, Chhattisgarh (Respondent No. 8)
- 9** - Principal/training Superintendent/institute Incharge Industrial Training Institute, Mahasamund, Raipur Zone, Chhattisgarh, Dist. Mahasamund, Chhattisgarh (Respondent No. 9)
- 10** - Principal/training Superintendent/institute Incharge Industrial Training Institute, Rajnandgaon, Durg Zone, Chhattisgarh, Dist. Rajnandgaon, Chhattisgarh (Respondent No. 10)
- 11** - Principal/training Superintendent/institute Incharge Industrial Training Institute, Bhilai, Durg Zone, Chhattisgarh, Dist. Durg, Chhattisgarh (Respondent No. 11)
- 12** - Principal/training Superintendent/institute Incharge Industrial Training Institute, Wadrafnagar, Ambikapur Zone, Chhattisgarh, Dist. Balrampur, Chhattisgarh (Respondent No. 12)



13 - Principal/training Superintendent/institute Incharge Industrial Training Institute, Jaijaipur, Bilaspur Zone, Chhattisgarh, Dist. Bilaspur, Chhattisgarh (Respondent No. 13)

14 - Principal/training Superintendent/institute Incharge Industrial Training Institute, Kanker, Bastar Zone, Chhattisgarh, Dist. Kanker, Chhattisgarh (Respondent No. 14)

15 - Principal/training Superintendent/institute Incharge Industrial Training Institute, Sukma, Bastar Zone, Chhattisgarh, Dist. Bastar (Jagdalpur), Chhattisgarh (Respondent No. 15)

... Appellants

versus

1 - Lupesh Kumar Kurre S/o. Sh. Khem Das Kurre Aged About 40 Years Working As Electrician Instructor, Govt. I.T.I. Durg, Durg Zone, R/o. Village And P.O. Takhatpur, Tawera, Tehsil - Gunderdehi, Distt. Balod (C.G.) (Petitioner No. 1)

2 - Ram Prasad Verma S/o. Manharan Lal Verma Aged About 34 Years Working As Driver Cum Mechanic Instructor, Govt. I.T.I. Mahasamudh, Raipur Zone, R/o. Sita Niwas, Shankar Nagar, Khamhardih, Distt. Raipur (C.G.) (Petitioner No. 2)

3 - Devendra Kumar Yede S/o. Sh. Khusyal Chand Yede Aged About 39 Years Working As Electrician Instructor, Govt. I.T.I. Rajnandgaon, Durg Zone, R/o. Ward No. 10, S T-17, Kurud Road, Kohka, Bhilai, Dist. Durg (C.G.) (Petitioner No. 3)

4 - Hemavati S/o. Sh. K. Dev Raju Aged About 39 Years Working As Electrician Instructor, Govt. I.T.I. Bhilai, Durg Zone, R/o. Block No. 19 A, S T - 4, Sec-2, Bhilai, Distt. Durg (C.G.) (Petitioner No. 4)

5 - Loknath Khute S/o. Sh. Pukram Khute Aged About 35 Years Working As Electrician Instructor, Govt. I.T.I. Electrician, Surguja Zone, R/o. Village And Post Pendri, Tah. Jaijaipur, Distt. Janjgir Champa (C.G.) (Petitioner No. 5)

6 - Chhatrapal Singh Rathore S/o. Sh. Bhagirathi Rathore Aged About 42 Years Working As Driver Cum Mechanic Instructor, Govt. I.T.I. Jaijaipur, Bilaspur Zone, R/o. Village And Post Portha, Tah. Shakti, Distt. Janjgir Champa (C.G.) (Petitioner No. 6)

7 - Madan Ram S/o. Sh. Johan Ram Aged About 45 Years Working As Fitter As Fitter Instructor, Govt. I.T.I. Kanker, Bastar Zone, R/o. Village Pandri Pani, Post Chawad, Distt. Narayanpur (C.G.) (Petitioner No. 7)

8 - Pushpendra Singh S/o. Sh. Gajendra Singh Aged About 38 Years Working As Fitter Instructor, Govt. I.T.I. Durg, Durg Zone, R/o. Q.No. 3 A, S T-13 Sec 06, Bhilai, Dist. Durg (C.G.) (Petitioner No. 8)

9 - Kranti Kumar Kshatri S/o. D.S. Kshatri Aged About 33 Years Working As C O P A Instructor, Govt. I.T.I., Durg Zone, R/o. Near Hanuman Temal, Adarsh Chowk, Mangla, Distt. Bilaspur (C.G.) (Petitioner No. 9)



10 - Brajesh Kumar Jangde S/o. Sh. Garib Das Aged About 36 Years Working As Welder Instructor, Govt. I.T.I. Durg, Durg Zone, R/o. Village Khurshi, Post Gabadi, Dist. Balod (C.G.) (Petitioner No. 10)

11 - Bhuneshwar Prasad Sahu S/o. Sh. Ganga Ram Sahu Aged About 36 Years Working As Electrician Instructor, Govt. I.T.I. Sukma, Bastar Zone, R/o. Bhawtara, Post Kosla, Tah Raamgarh, Distt. Janjgir Champa (C.G.) (Petitioner No. 11)

... Respondents

For Appellant(s) : Mr. Priyank Rathi, Government Advocate
For Respondent No.1 : Ms. Manubha Shankar holding brief of
Mr. Harshwardhan Parghania, Advocate
For Respondent Nos. 3 : Ms. Ranjana Jaiswal, Advocate
and 5

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

Judgment on Board

Per Ramesh Sinha, Chief Justice

22.01.2026

1. Heard Mr. Priyank Rathi, learned Government Advocate, appearing for the appellants/State on I.A. No. 02/2026, which is an application for condonation of delay of 207 days in preferring the appeal. Also heard Ms. Manubha Shankar holding brief of Mr. Harshwardhan Parghania, learned counsel, appearing for respondent No.1 and Ms. Ranjana Jaiswal, learned counsel, appearing for respondent No.3 and 5.

2. The State/appellants have filed this writ appeal against an order dated 18.03.2025 passed by the learned Single Judge in WPS No. 3239/2016 (***Lupesh Kumar & others Vs. State of Chhattisgarh and Others***), by which the learned Single Judge has allowed the writ



petitions filed by the writ petitioners.

3. On a pointed query being made to the learned for the appellant 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 the principle of law laid down by the Hon'ble Supreme Court in the aforementioned judgments (supra), and upon due consideration of the grounds urged in I.A. No. 02 of 2026, we find that the delay of 207 days in preferring the writ appeal has not been satisfactorily explained with any cogent or plausible reason. The appellant has failed to demonstrate sufficient cause so as to justify condonation of such delay. Therefore, no ground is made out to exercise our discretion in favour of the appellants for condoning the delay.



8. Consequently, I.A. No. 02 of 2026 seeking condonation of delay is hereby rejected. As a natural corollary thereto, the writ appeal also stands **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Chandra