



2026:CGHC:3178-DB
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 29 of 2026

State of Chhattisgarh Through Secretary, Department Of Town Administration, Mantralaya, D.K.S. Bhawan, Raipur, District- Raipur C.G.

... Appellant

versus

1 - Shekh Kamaal Raja S/o Shri Abdul Habib Khan Aged About 42 Years R/o Qur. No. 2b, Street-6, Sector- 10, Bhilai Nagar, Tahsil And District Durg C.G.

2 - Municipal Corporation Bhilai Through Commissioner, Municipal Corporation, Bhilai, Distt. Durg, (C.G.)

3 - Jaspal Singh Siddhu S/o Shri Jagir Singh, R/o Santoshi Para, Baikunth Nagar, Camp-li Bhilai, District Durg (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Appellant	:	Mr. Prasun Kumar Bhaduri, Deputy Advocate General
For Respondent No.1	:	Mr. Dinesh Kumar Bole and Mr. Moinuddin Qureshi, Advocates

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

20.01.2026

1. Heard Mr. Prasun Kumar Bhaduri, learned Deputy Advocate General appearing for the State/appellant. Also heard Mr. Dinesh



Kumar Bole and Mr. Moinuddin Qureshi, learned counsel appearing for respondent No.1.

2. The present intra Court appeal has been filed by the appellant against the order dated 24.02.2025 passed by the learned Single Judge in WPC No.7912 of 2011, whereby the learned Single Judge has allowed of the writ petition filed by the writ petitioner along with one WPC No.7913 of 2011.
3. It has been pointed out by learned counsel for the parties that in an identical matter, this Court had dismissed **Writ Appeal No.13 of 2026** vide order dated **15.01.2026** observing as follows :

“7. The question for determination before this Court, is whether the provisions of Section 5 of the Limitation Act, 1908 (i.e. Act 9 of 1908 i.e. the old Limitation Act) would apply to an application for condonation of delay.

8. The Hon’ble Supreme Court in the matter of “Union of India and others v. Tarsem Singh” (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.”

9. *The Supreme Court in the matter of “C. Jacob v. Director of Geology and Mining and others” (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.”

10. In the light of the principles 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, we find that the delay of 228 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 appellant for condoning the delay.

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

They further submitted that since the facts and issue involved in the present case is identical to that of Writ Appeal No.13 of 2026, this appeal may also be disposed off in the same terms.



4. Having considered the rival submissions made by learned counsel for the parties and having gone through the materials on record, it is evident that the facts and issue involved in this appeal is identical to **Writ Appeal No.13 of 2026**, this Court deems it appropriate not to take a view other than what has been taken in **Writ Appeal No.13 of 2026**.
5. Accordingly, the present appeal is **dismissed** in terms of the order dated **15.01.2026** passed in **Writ Appeal No.13 of 2026**.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice