



CGHC010255102026

2026:CGHC:35775-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 702 of 2026

Ishwar Ram Sahu S/o Badaku Ram Sahu Aged About 60 Years
Panchayat Secretary, Gram Panchayat - Jogigufa, Janpad Panchayat
Dhamda, R/o Village Khilorakala, Post - Ghotha, Tahsil - Dhamda,
District Durg Chhattisgarh

... Appellant

versus

- 1 - State Of Chhattisgarh Through Secretary, Chhattisgarh Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhavan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh (Respondent No. 1)**
- 2 - Director Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhavan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh (Respondent No. 2)**
- 3 - Deputy Director Zila Panchayat, Durg, District Durg Chhattisgarh (Respondent No. 3)**
- 4 - Chief Executive Officer Zila Panchayat, Durg, District Durg Chhattisgarh (Respondent No. 4)**
- 5 - Committee For Deciding The Grievance Of Panchayat Sachiv Through Its Chairman, Panchayat And Rural Development Department, Mantralaya, Naya Raipur, District Raipur Chhattisgarh (Respondent No. 5)**

... Respondents

For Appellant : Mr.Pankaj Singh, Advocate
For Respondents : Mr. Sumit Singh, Deputy Advocate General
No.1 to 3/State

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

13.08.2026

1. Heard Mr.Pankaj Singh, learned counsel for the appellant as well as Mr.Sumit Singh, learned Additional Advocate General appearing for respondents No.1 to 3/State on I.A.No.01/2026, which is an application for condonation of delay of 02 days in filing the present appeal.
2. On due consideration, I.A.No.01/2026 is allowed. Delay is condoned.
3. With the consent of learned counsel for the parties, the writ appeal is heard finally.
4. The appellant has filed this writ appeal against the order dated 15.05.2026 passed by the learned Single Judge in WPS No.4250/2026 by which the learned Single Judge has dismissed the writ petition filed by the writ petitioner / appellant herein.
5. Learned counsel for the Appellant submits that the impugned order passed by the learned Single Judge is unsustainable both in law and on facts, as the writ petition has been dismissed as not maintainable on the erroneous assumption that the relief sought

therein was identical to the relief sought in W.P.(S.) No. 3003 of 2025. It is submitted that the learned Single Judge failed to appreciate the fundamental distinction between the two proceedings. The earlier writ petition was confined to a prayer for consideration of the Appellant's representation by the competent authority, whereas the subsequent writ petition arose out of a completely fresh and independent cause of action, namely, the prolonged inaction of the State-Level Committee constituted by the Government vide order dated 24.03.2025 for considering the issue of regularization of Panchayat Secretaries.

6. Learned counsel further submits that the pleadings in the present writ petition clearly disclosed that, after disposal of the earlier writ petition and the subsequent contempt proceedings, the Respondent authorities themselves informed the Court that the Appellant's claim could not be decided because the matter had been placed before the State-Level Committee. Consequently, the Appellant did not seek to reopen or modify the earlier order. The limited relief sought was a direction for expeditious conclusion of the proceedings pending before the said Committee. It is therefore respectfully submitted that the learned Single Judge has misread and misconstrued the pleadings and prayers of the present writ petition. The subsequent constitution of the Committee, the stand taken by the Respondents before the Contempt Court, and the continued failure of the Committee to take a decision were subsequent events which were not available for consideration in

the earlier proceedings.

7. Learned counsel submits that these subsequent events gave rise to a fresh and recurring cause of action. The earlier writ petition could not possibly have adjudicated upon the inaction of a Committee which had been constituted subsequently. The principle of finality of litigation cannot be applied so as to prevent judicial consideration of a cause of action which arose only after the earlier proceedings had concluded. It is further submitted that every continued day of administrative inaction, particularly after the Respondents themselves admitted that the matter was pending before the State-Level Committee, constituted a continuing wrong and caused continuing prejudice to the Appellant. The present writ petition was therefore maintainable notwithstanding the disposal of the earlier writ petition.
8. Learned counsel submits that there is also a clear distinction with regard to the authority against whom relief was sought. The earlier proceedings culminated in a direction to the Deputy Director to consider the Appellant's representation, whereas the present writ petition sought appropriate directions concerning the State-Level Committee constituted by the Government for considering the issue of regularization. Thus, the causes of action, authorities involved and reliefs sought were distinct and independent. It is respectfully submitted that the finding of the learned Single Judge that the present writ petition sought "substantially similar relief" is

conclusory and unsupported by any comparative examination of the pleadings, prayers or subsequent events. The impugned order does not identify the precise reliefs which are allegedly identical and does not explain how the subsequent inaction of the State-Level Committee could be treated as having already been adjudicated upon in the earlier proceedings. Learned counsel further submits that the learned Single Judge thereby failed to exercise the jurisdiction vested in the Court under Article 226 of the Constitution of India. The substantive grievance before the Court was whether the prolonged inaction of a Committee constituted by the State Government itself was arbitrary, unreasonable and violative of the Appellant's rights under Articles 14 and 21 of the Constitution of India.

9. It is submitted that once the State Government itself initiated a decision-making process by constituting the State-Level Committee, the Respondents could not be permitted to keep such proceedings pending indefinitely. Such an administrative process has to be concluded within a reasonable period, particularly when the delay directly prejudices the service and retiral rights of the concerned employee. Learned counsel submits that the prejudice to the Appellant is particularly serious because he is on the verge of superannuation. Continued delay in deciding the issue of regularization may have consequential adverse effects upon his service, retiral and pensionary benefits. The matter therefore warranted substantive consideration and, if necessary, a time-

bound direction rather than summary dismissal on a technical ground of maintainability. It is further submitted that the learned Single Judge failed to consider the material pleadings wherein the Appellant had specifically pleaded that the Respondents had admitted before the Contempt Court that the issue of regularization was pending before the State-Level Committee and that no definite timeline had been prescribed for completion of the exercise. These facts constituted the very foundation of the subsequent writ petition and ought to have been examined. Learned counsel submits that the present petition was neither a review petition nor an attempt to modify or reopen the earlier order. It was an independent proceeding seeking judicial intervention against a new administrative inaction arising after the disposal of the earlier proceedings. Therefore, the doctrine of finality of litigation could not operate as an absolute bar. Learned counsel also places strong reliance upon the contemporaneous order passed by the same learned Single Judge in W.P.(S.) No. 4211 of 2026, Suresh Kumar Sahu & Others v. State of Chhattisgarh & Others, decided on 15.05.2026.

10. It is submitted that in the said matter, the learned Single Judge entertained a writ petition concerning the very same State-Level Committee constituted for considering the grievances of Panchayat Secretaries and directed the competent authorities to decide the grievance within forty-five days. The Appellant's case is that he was seeking substantially the same form of judicial protection,

namely, a time-bound direction for conclusion of the proceedings before the State-Level Committee. However, in the Appellant's case, the writ petition was dismissed as not maintainable without identifying any distinguishing circumstance or assigning any reason why similar judicial protection could not be granted. A copy of the order passed in W.P.(S.) No. 4211 of 2026 is being relied upon and annexed as **Annexure A/2**. The Appellant respectfully submits that the impugned order, when considered alongside the said contemporaneous order, demonstrates an apparent inconsistency in the exercise of writ jurisdiction which calls for interference by this Hon'ble Division Bench. Learned counsel submits that once it was evident from the Respondents' own stand that the matter was pending before the State-Level Committee, the proper course would have been to consider whether the Committee ought to be directed to conclude the proceedings within a reasonable and fixed period. The learned Single Judge, instead, declined to examine the substantive grievance on the basis of an erroneous assumption regarding maintainability. It is therefore submitted that the impugned order suffers from non-consideration of material pleadings, failure to appreciate subsequent events, erroneous application of the principle of finality, failure to exercise jurisdiction under Article 226, and patent errors apparent on the face of the record. In view of the aforesaid submissions, learned counsel for the Appellant prays that this Hon'ble Division Bench may be pleased to set aside the impugned order.

11. On the other hand, learned State counsel 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 appellant, in which no interference is called for.

12. We have learned counsel for the parties and perused the impugned order and other documents appended with writ appeal.

13. From perusal of the impugned order, it transpires that the learned Single Judge has observed that the petitioner had earlier approached this Court by filing WPS No. 3003/2025 seeking consideration of his representation. The said writ petition was disposed of vide order dated 30.04.2025 with a direction to the Dy. Director to consider and decide the representation of the petitioner within the stipulated period. Learned Single Judge has further observed that the petitioner thereafter, filed Contempt Case No. 1328/2025, which has also been decided on 17/02/2026 on the basis of submissions made by learned counsel for the parties. Thus, the grievance raised by the petitioner already stood considered by this Court in the earlier round of litigation. Learned Single Judge has also observed that once the earlier writ petition had already been disposed of with a direction to the competent authority, and the petitioner had also instituted contempt proceedings before this Court, the present writ petition seeking substantially similar relief is not maintainable and dismissed the

writ petition.

14. Considering the submissions advanced by the learned counsel for the parties, perusing the documents appended in writ petition as also in writ appeal and also considering the finding recorded by the learned Single Judge while dismissing the writ petition filed by the writ petitioner, we are of the considered opinion that the learned Single Judge has not committed any illegality, irregularity or jurisdictional error in the impugned order warranting interference by this Court.

15. Accordingly, the writ appeal deserves to be and is hereby **dismissed**. No cost(s).

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice