



CGHC010386152026

2026:CGHC:42769-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 5026 of 2026**

Poonam Bala Jaiswal W/o Late Shri Anil Kumar Jaiswal Aged About 59 Years R/o Avanti Vihar, Raipur, District Raipur Chhattisgarh.

... Petitioner**versus**

1 - State of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Government Of Chhattisgarh, Mantralaya, Atal Nagar, District Raipur Chhattisgarh.

2 - The Chief Engineer Pradhan Mantri Gram Sadak Yojna, Chhattisgarh Rural Road Development Agency, Civil Lines, Raipur Chhattisgarh.

3 - The Chief Executive Officer Chhattisgarh Rural Road Development Agency, Civil Lines, Raipur Chhattisgarh.

4 - The Executive Engineer-Cum-Member Secretary Project Implementation Unit No. 1, Pradhan Mantri Gram Sadak Yojna, Sakti, District Janjgir-Champa Chhattisgarh (Now District Sakti C.G.).

... Respondents

For Appellant : Mr. Nikhil Parakh, Advocate

For Respondent/State : Mr. Anand Dadariya, Dy. Advocate General

Hon'ble Shri Krushna Ram Mohapatra, Chief Justice and**Hon'ble Shri Santosh Sharma, Judge****Judgment on Board****Per Krushna Ram Mohapatra, C.J.****01/10/2026**

1. Petitioner, in this writ petition, prays for the following reliefs :

10.1 A writ and/or an order in the nature of writ of appropriate nature do issue calling the relevant

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records pertaining to case of the petitioner from the Respondents concerned for its kind perusal.

10.2 Issue an appropriate writ, order or direction directing the Respondents, particularly the competent authority, to consider and decide the pending representation/application dated 23.10.2012 submitted by Late Shri Anil Kumar Jaiswal, duly quantified in continuation of the aforesaid representation, in legal notice dated 04.07.2026;

10.3 Direct the competent authority to consider the entire record relating to the dispute, including representations made by Late Shri Anil Kumar Jaiswal from 2012 onwards and the departmental documents disclosed to the Petitioner under the RTI mechanism;

10.4 Direct the Respondents to define competent authority and to pass a reasoned and speaking order in accordance with law upon the representation dated 23.10.2012 in compliance of the earlier order dated 10.04.2013 passed by the Hon'ble Court.

10.5 Direct the competent authority to take and communicate the aforesaid decision within a time frame as fixed by this Hon'ble Court from the date of receipt/communication of the order passed by this Hon'ble Court, or within such other period as this Hon'ble Court may deem fit and proper;

10.6 Direct the Respondents to furnish to the Petitioner a copy of the final decision and the relevant proceedings/orders relied upon while deciding the representation;

10.7 Clarify that the present petition is confined to seeking consideration and decision of the pending representation and that the Petitioner shall remain at liberty to avail such appropriate remedy as may be available to her in law against the decision so taken, including in respect of the substantive contractual claims.

10.8 Grant any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.

2. Learned counsel for the petitioner submits that, consequent to the termination of the agreement during the currency of the contract with the husband of the petitioner, namely, Late Shri Anil Kumar Jaiswal, he filed W.P.(C) No. 474/2013, seeking a direction to consider the application dated 23.10.2012, in which a dispute was raised under Clause 24 of the Agreement. The competent authority subsequently terminated the agreement. However, the writ petition was disposed of on 10.04.2013 with the following direction :

4. It is, therefore, directed that if no decision has been taken till now on the application dated 23rd of October, 2012, in which, a dispute has been raised by the petitioner under Clause 24 of the Agreement, the competent authority shall take a decision on the said application at the earliest.

3. Subsequently, on 02.05.2013 (Annexure P-5), the agreement with the husband of the petitioner was terminated. The husband of the petitioner died in the year 2016. A recovery proceeding was initiated

pursuant to the termination of the agreement with the husband of the petitioner. The petitioner, being the widow, participated in the recovery proceeding. However, in the present writ petition, she has raised the grievance that the order passed pursuant to the application dated 23.10.2012 is essential for her defence in the recovery proceeding. Hence, this writ petition has been filed with the aforesaid prayers.

4. It is submitted by learned counsel for the petitioner that the delay in filing the writ petition occurred as the petitioner could not arrange the documents to file the writ petition immediately. Under the provisions of the Right to Information Act, 2005, the petitioner subsequently obtained the relevant documents. Learned counsel, therefore, submits that the relief sought for in the present writ petition be granted.
5. Mr. Dadariya, learned Deputy Advocate General, submits that the relief claimed in W.P.(C) No. 474/2013 has been reiterated in the present writ petition in a different form. Thus, the present writ petition is not maintainable. The writ petition also suffers from delay and laches. W.P.(C) No. 474/2013 was disposed of on 10.04.2013. The husband of the petitioner died in the year 2016. He could have taken steps if no communication was made in respect of his application dated 23.10.2012. He having not done so, the present writ petition filed by his widow is not maintainable.
6. Taking note of the submissions made by learned counsel for the parties and having perused the records, this Court finds that the

relief claimed in the present writ petition is almost similar to that in W.P.(C) No. 474/2013, which had already been taken into consideration and was disposed of vide order dated 10.04.2013. Thus, the present writ petition, in that regard, is not maintainable. Learned counsel for the petitioner, however, submits that the decision taken pursuant to the application dated 23.10.2012 should be communicated to the petitioner. We are not inclined to accept such submission, as we are not interfering with the writ petition, since the substantial relief claimed in the present writ petition has already been granted in W.P.(C) No. 474/2013.

7. In view of the above, the writ petition, which suffers from delay and laches and is devoid of any merits, stands **dismissed**.

Sd/-

(Santosh Sharma)
Judge

Sd/-

(Krushna Ram Mohapatra)
Chief Justice

Rahul Dewangan