CGHC010383102026 2026:CGHC:43412

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7340 of 2026

1 - Mohd Mustkeem Khan S/o Shri Rasool Khan Aged About 64 Years R/o Village Jalso, Police Station Koni, Tahsil And District Bilaspur (C.G.)

... Petitioner

AMARDEEP CHOUBEY Digitally signed by AMARDEEP CHOUBEY Date: 2026.10.08 10:40:44 +0530

versus

1 - State Of Chhattisgarh Through The Secretary, Public Works Department Mantralaya, Mahanadi Bhawan Atal Nagar, New Raipur District Raipur (C.G.)

2 - Engineer In- Chief Public Works Department, Raipur, District Raipur (C.G.)

3 - Executive Engineer Public Works Department (B And R) Division No.1, Bilaspur, District Bilaspur (C.G.)

4 - The Regional Joint Director Treasury, Accounts And Pension, Bilaspur Division, District Bilaspur (C.G.)

5 - The District Treasury Officer District Bilaspur (C.G.)

... Respondents

(Cause title is taken from Case Information System)

For Petitioner	:	Mr. Shailesh Puriya, Advocate
For State	:	Mr. Shreyansh Mehta, Panel Lawyer

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

07/10/2026

1. By the present petition, the petitioner has prayed for following reliefs:-

> "10.1 That the Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of petitioner and grant pension and other benefits from the date of

appointment.

10.2 That the Hon'ble Court may kindly be pleased to direct the respondents to treat the petitioner initial appointment/service from 01/09/1981 for the purpose of seniority and consequential service benefits, direct to respondents to revise the seniority of the petitioner accordingly and direct the respondents to grant all consequential benefits including promotion, arrears, retiral and pensionary benefits.

10.3 Any other relief, which may be deemed, fit by this Hon'ble Court just and proper in the facts and circumstances of the case may also be provided in favour of the petitioner."

2. Learned counsel for the petitioner submits that his date of appointment is 01/09/1981 whereas the respondents have reflected his date of appointment as 02/07/1992. Further dispute of the petitioner is that after regularization he has passed Senior Accounts Clerk Examination in the year 2010 and this additional qualification also has not been entered into the service book of the petitioner which would have given him the advantage of further promotion. For redressal of the said grievance the petitioner approached the higher authorities on several occasions, but when the same does not fructify, the petitioner approached this Court by filing W.P.(S) No. 6803 of 2018, which was disposed of on 11.10.2018, permitting the petitioner to file a representation before the respondent authorities with regard to his claim. Pursuant thereto, the petitioner submitted a representation, which was rejected vide order dated 11.01.2019 on the ground that the petitioner was merely engaged as a daily wager in the year 1981 and, therefore, he could not be granted seniority with effect from

the said date.

3. Learned counsel appearing for the respondents submits that the petitioner is seeking seniority with effect from his initial date of appointment, although his services were regularized only in the year 1992 and he retired from service in the year 2021 upon attaining the age of superannuation. It is further submitted that the grievance raised by the petitioner had already been considered and decided, as his representation was rejected vide order dated 11.01.2019. However, in the present writ petition, the said order has not been challenged. Learned counsel further submits that the petitioner has approached this Court at a highly belated stage, i.e., in the year 2026, without any satisfactory explanation for the delay. Accordingly, it is submitted that the present writ petition deserves to be dismissed on the ground of delay and laches.

4. I have heard learned counsel for the parties and have perused the materials available on record.

5. It is noteworthy to mention here that earlier the petition filed by the petitioner i.e. WPS No.6803/2018 was disposed of by this Court by directing the respondents to the decide the representation of the petitioner. In compliance of the order of this Court passed in WPS No.6803/2018, the petitioner had filed representation and the same was rejected on 11/01/2019 on the ground that the petitioner was a daily wager in the year 1981 and therefore, seniority cannot be granted from the said date. Now, the present writ petition has been instituted after an inordinate and unexplained delay of more than six years. Moreover, in the

present petition, the petitioner has not challenged the rejection order of representation. Even otherwise, no satisfactory explanation has been furnished for the extraordinary delay in approaching this Court. No exceptional circumstance has been brought on record warranting condonation or overlooking of such delay.

6. It is well settled that a person invoking the extraordinary and discretionary jurisdiction of this Court under Article 226 of the Constitution of India must approach the Court with due diligence and within a reasonable period of time. The writ jurisdiction is not intended to provide relief to a litigant who has remained inactive for an unduly long period and thereafter seeks to revive a stale claim.

7. In the matter of **State of Uttaranchal And anr Vs. Shiv Charan Singh Bhandari And Ors** reported in **2013 12 SCC 179,** the Supreme Court held thus at paras 24 to 28 :

> "24. There can be no cavil over the fact that the claim of promotion is based on the concept of equality and equitability, but the said relief has to be claimed within a reasonable time. The said principle has been stated in **Ghulam Rasool Lone v. State of Jammu and Kashmir and another** reported in 2009 15 SCC 321.
>
> 25. In **NDMC Vs. Pan Singh** reported in 2007 9 SCC 278, the Court has opined that though there is no period of limitation provided for filing a writ petition under Article 226 of the Constitution of India, yet ordinarily a writ petition should be filed within a reasonable time. In the said case the respondents had filed the writ petition after seventeen years and the court, as stated earlier, took

note of the delay and laches as relevant factors and set aside the order passed by the High Court which had exercised the discretionary jurisdiction.

26. Presently, sitting in a time machine, we may refer to a two-Judge Bench decision in **(1975) 1 SCC 152, P.S. Sadasivaswamy v. State of Tamil Nadu**

> 2….A person aggrieved by an order of promoting a junior over his head should approach the Court at least within six months or at the most a year of such promotion. It is not that there is any period of limitation for the Courts to exercise their powers under Article 226 nor is it that there can never be a case where the Courts cannot interfere in a matter after the passage of a certain length of time, but it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their extraordinary powers under Article 226 in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle settled matters.

27. We are absolutely conscious that in the case at hand the seniority has not been disturbed in the promotional cadre and no promotions may be unsettled. There may not be unsettlement of the settled position but, a pregnant one, the respondents chose to sleep like Rip Van Winkle and got up from their slumber at their own leisure, for some reason which is fathomable to them only. But such fathoming of reasons by oneself is not countenanced in law. Any one who sleeps over his right is bound to suffer. As we perceive neither the tribunal nor the High Court has appreciated these aspects in proper perspective and proceeded on the base that a junior was promoted and, therefore, the seniors cannot be denied the promotion.

28. Remaining oblivious to the factum of delay and laches and granting relief is contrary to all settled

> principles and even would not remotely attract the concept of discretion. We may hasten to add that the same may not be applicable in all circumstances where certain categories of fundamental rights are infringed. But, a stale claim of getting promotional benefits definitely should not have been entertained by the tribunal and accepted by the High Court."

8. The Court is required to examine whether such an enormous delay deserves to be condoned in the absence of any cogent and satisfactory explanation. Ignoring such delay may cause prejudice to the rights and interests which may have accrued in favour of the other parties and may also unsettle matters which have otherwise attained finality. The principles underlying the doctrine of delay and laches are founded upon the considerations of repose, certainty and finality. A litigant who sleeps over his alleged rights for an inordinate period cannot, as a matter of right, invoke the discretionary writ jurisdiction of this Court at a belated stage.

9. In the case at hand, the petitioner was appointed in the year 1981, regularized in the year 1992, and ultimately retired from service in the year 2021 upon attaining the age of superannuation. It is also pertinent to note that the petitioner's representation claiming seniority had already been rejected in the year 2019. However, the present writ petition has been filed only in the year 2026, without challenging the order whereby his representation was rejected. Thus, the petitioner has approached this Court after an inordinate and unexplained delay that too without assailing the order of rejection passed in the year 2019. The claim itself pertains to a period more than three decades prior to the filing of

the present writ petition. No satisfactory or plausible explanation has been offered for such prolonged inaction. But such fathoming of reasons by oneself is not countenanced in law. Any one who sleeps over his right is bound to suffer.

10. In view of the aforesaid facts and circumstances, and considering the inordinate and unexplained delay in raising the claim, this Court is not inclined to exercise its extraordinary writ jurisdiction in favour of the petitioner.

11. Accordingly, the writ petition is **dismissed** in *limine* on the ground of **delay and laches.**

SD/-

(BIBHU DATTA GURU)
JUDGE

Amardeep