



CGHC010362032026



2026:CGHC:43182

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7294 of 2026

Rajendra Kumar Mahant S/o Late Ramlal Mahant, Aged About 55 Years
Resident Of House No. 15 Gadriya Pura, Tandipar, Tahsil Sarangarh,
District Raigarh C.G.

... Petitioner(s)

versus

1. South Eastern Coalfields Ltd. Through Secretary General Manager, S
E C L Seepat Road, Bilaspur, District Bilaspur C.G.

2. Area Manager, South Eastern Coalfields Ltd. Kusmunda, P. O.
Kusmunda, Colliery, District Korba C.G.

3. Chief General Manager, South Eastern Coalfields Ltd. Area
Kusmunda, P. O. Kusmunda, Colliery, District Korba C.G.

4. Deputy Chief General Manager, South Eastern Coalfields Ltd. Area
Kusmunda, P. O. Kusmunda, Colliery, District Korba C.G.

... Respondent(s)

(Cause title is taken from Case Information System)

For Petitioner	: Mr. Vinod Kumar Dewangan, Advocate
For Respondents	: Mr. Rahul Mishra, Advocate

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

06/10/2026

1. The present writ petition has been filed by the petitioner, claiming himself to be the son of Late Ramlal Mahant. As per the pleadings of the petitioner, particularly paragraph 8.2 of the writ petition, his father was appointed as an Assistant Teacher and retired from service on 30.04.2002. It has further been pleaded that all retiral dues payable to his father stood duly paid and that his father died in the year 2015. By way of the present writ petition, the petitioner

seeks a direction upon the respondent-authorities to consider the alleged representation said to have been submitted by his late father before the SECL in the year 1996, seeking payment of arrears for the period from 1989 to 1994.

2. Learned counsel appearing for the respondents, however, submits that the pleadings of the petitioner are self-contradictory. It is submitted that while the petitioner has pleaded that his father was appointed as an Assistant Teacher, the representation allegedly submitted by his father himself records that he was appointed as a Peon, Category-II. It is further submitted that the petitioner is seeking to raise a stale claim relating to the period 1989-1994, despite the fact that his father had already retired from service on 30.04.2002 and subsequently died in 2015.
3. I have heard learned counsel for the parties and have perused the materials available on record.
4. Admittedly, the claim raised by the petitioner relates to alleged arrears of his late father for the period from 1989 to 1994. The present writ petition has been instituted after an inordinate and unexplained delay of more than three decades. The petitioner claims that his father had submitted a representation dated 02.01.1996; however, there is neither any acknowledgment nor any receipt on the record to establish that the said representation was, in fact, submitted before the competent authority. 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. On the contrary at para 7 of the writ petition, the petitioner averred that there is no delay in filing the petition.

5. 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.
6. 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.
7. In the considered opinion of this Court 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 case at hand, the petitioner filed the instant writ petition after three decades claiming the dues of his late father for which the deceased employee submitted a

representation during his life time in the year 1996. Thereafter, the deceased employee retired in 2002 and subsequently died in 2015 and during this period he has not made any effort with regard to his pending representation. The petitioner (son of the deceased employee) chose to sleep and got up at his own leisure, for some reason which is fathomable to him only. But such fathoming of reasons by oneself is not countenanced in law. Any one who sleeps over his right is bound to suffer.

8. In the present case, apart from the unexplained delay, the petitioner has also failed to place on record any material establishing that the alleged representation dated 02.01.1996 was duly submitted before the competent authority. 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.
9. 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.
10. Accordingly, the writ petition is **dismissed** in *limine* on the ground of **delay and laches**.

Sd/-
(BIBHU DATTA GURU)
JUDGE

Head Note

Though no limitation period is prescribed, a writ petition must be filed within a reasonable time. A petitioner cannot sleep for decades and thereafter seek discretionary relief; stale claims are liable to be dismissed on the ground of delay and laches.