CGHC010407132026 2026:CGHC:47245

SOURABH BHILWAR
Digitally signed by SOURABH BHILWAR
Date: 2026.11.18 16:32:47 +0530

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8110 of 2026

Rajkumar Khati S/o L.R Khati Aged About 62 Years Post Assistant Director, R/o House No. 385/3, Street No. 2, Ward No. 3, Gaya Nagar, Durg, District Durg, CG

... Petitioner

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Women And Child Development, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur (C.G.).

2 - Chief Secretary, Government Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur (C.G.).

3 – Director, Directorate Of Women And Child Development Department, Indravati Bhawan, Nawa Raipur, Atal Nagar, District Raipur (C.G.).

4 – Commissioner, Women And Child Development Department, Indravati Bhawan, Nawa Raipur, Atal Nagar, District Raipur (C.G.).

5 - Shalini Dalela Child Development Project Officer Through Director,

Directorate Of Women And Child Development Department, Indravati Bhawan, Nawa Raipur, Atal Nagar, District Raipur (C.G.).

6 - Panchu Ram Thakur Child Development Project Officer Through Director, Directorate Of Women And Child Development Department, Indravati Bhawan, Nawa Raipur, Atal Nagar, District Raipur (C.G.).

7 - Ashok Kumar Pandey Deputy Director/ District Program Officer, Through Director, Directorate Of Women And Child Development Department, Indravati Bhawan, Nawa Raipur, Atal Nagar, District Raipur (C.G.).

8 - Varun Singh Nagesh, Deputy Director/ District Program Officer, Through Director, Directorate Of Women And Child Development Department, Indravati Bhawan, Nawa Raipur, Atal Nagar, District Raipur (C.G.).

9 - Tikendra Jatwar, Deputy Director/district Program Officer, Through Director, Directorate Of Women And Child Development Department, Indravati Bhawan, Nawa Raipur, Atal Nagar, District Raipur (C.G.).

... Respondent(s)

(Cause title is taken from Case Information System)

For Petitioner	:	Mr. Praveen Dhurandhar, Advocate
For Respondents/ State	:	Mr. Gary Mukhopadhyay, Additional Advocate General.

Hon’ble Shri Bibhu Datta Guru, Judge

Order on Board

17/11/2026

1. By the present writ petition, the petitioner seeks for the following reliefs :-

> “10.1 That, this Hon'ble Court may kindly be pleased to Issue a writ in the nature of Mandamus or any other appropriate writ, order, or direction, commanding the Respondent authorities, particularly Respondent No. 1 and 2, to consider and decide the Petitioner's pending representation dated 18.09.2024 (Annexure P-1) in accordance with the law, in a stipulated period of time, giving opportunity of hearing to the petitioner.
>
> 10.2 That, this Hon'ble Court may kindly be pleased to direct the Respondent authorities to correctly determine the seniority of the petitioner.
>
> 10.3 That, the Hon'ble Court may kindly be pleased to grant any other relief, as it may deems fit and appropriate.”

2. Learned counsel appearing for the petitioner submits that the petitioner was initially appointed as Nutrition Food Inspector/ Programme Inspector on 04.10.1990 as an outstanding sportsperson in weightlifting and was subsequently absorbed in the cadre of Assistant Child Development Project Officer. He submits that the petitioner was granted notional promotion to the post of Child Development Project Officer with effect from 26.08.1996; however, while preparing the seniority lists, the respondents have erroneously placed him below the personnel who were junior to him. He further submits that, despite submitting representations dated 31.12.2017 and 18.09.2024 seeking correction of his seniority, but when sphinx like silence was maintained by the State in respect of his representations, which is

totally unexpected from a model employer, the petitioner approached this Court by filing the instant petition seeking a direction to the respondents to consider and decide his pending representation dated 18.09.2024 and determine his seniority in accordance with the applicable rules.

3. *Per contra*, learned State counsel opposes the submissions made by learned counsel for the petitioner and submits that the petitioner has approached this Court after an inordinate and unexplained delay. He further submits that the seniority lists in question were issued much earlier and the petitioner cannot be permitted to reopen the issue of seniority at this belated stage. He, therefore, prays for dismissal of the writ petition.

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

5. Upon consideration of the submissions made by learned counsel for the parties and perusal of the material available on record, at the very outset, it is manifest that the petitioner retired from the service on 30.09.2026 on attaining the age of superannuation, as his date of birth is 03.09.1964. The petitioner filed the instant petition only after his retirement on 08.10.2026.

6. From bare perusal, it appears that the petitioner is claiming seniority on the basis of his notional promotion with effect from 26.08.1996. The relevant seniority lists were issued much earlier, and the petitioner had also submitted a representation in the year

2017 and 2024 challenging his placement therein. However, he has approached this Court by way of the present writ petition after an inordinate and unexplained delay and laches. Merely submitting successive representations, including the representation dated 18.09.2024, would not revive a stale cause of action or extend the period of limitation. The cause of action, if any, arose when the petitioner was aggrieved by the fixation of his seniority, and the subsequent representations would not furnish a fresh cause of action. Therefore, this Court is not inclined to entertain the challenge to the seniority fixation at this belated stage.

7. It is well settled that repeated representations made by an employee against an existing service-related decision do not extend the period of limitation or revive a stale claim. If the petitioner was aggrieved by his placement in the seniority list issued on 14.07.2017 or the subsequent seniority list dated 06.02.2023, he ought to have availed the appropriate legal remedy as may be available to him under the provisions of law within a reasonable period. Having failed to do so, the petitioner cannot seek to reopen the issue merely by submitting a subsequent representation. Entertaining such a claim after an unexplained lapse would unsettle the settled seniority positions of other employees.

8. The Supreme Court in the matter of ***State of Uttaranchal and Another vs. Shiv Charan Singh Bhandari and Others***[1] has held at paras No.21 to 23, 25 & 26 as under :-

> 21. In *State of Orissa v. Pyarimohan Samantaray*[2] it has been opined that making of repeated representations is not a satisfactory explanation of delay. The said principle was reiterated in *State of Orissa v. Arun Kumar Patnaik*[3].
>
> 22. In *BSNL v. Ghanshyam Dass*[4] *(2)* a three-Judge Bench of this Court reiterated the principle stated in *Jagdish Lal v. State of Haryana*[5] and proceeded to observe that as the respondents therein preferred to sleep over their rights and approached the Tribunal in 1997, they would not get the benefit of the order dated 7-7-19921.
>
> 23. In *State of T.N. v. Seshachalam*[6], this Court, testing the equality clause on the bedrock of delay and laches pertaining to grant of service benefit, has ruled thus: (SCC p. 145, para 16)
>
> > "16. …. filing of representations alone would not save the period of limitation. Delay or laches is a relevant factor for a court of law to determine the question as to whether the claim made by an applicant deserves consideration. Delay and/or laches on the part of a government servant may deprive him of the benefit which had been given to others. Article 14 of the Constitution of India would not, in a situation of that nature, be attracted as it is

1 (2013) 12 SCC 179
2 (1977) 3 SCC 396
3 (1976) 3 SCC 579
4 (2011) 4 SCC 374
5 (1997) 6 SCC 538
6 (2007) 10 SCC 137

well known that law leans in favour of those who are alert and vigilant."

24. XXX XXX XXX

25. In *NDMC v. Pan Singh*[7] 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 *P.S. Sadasivaswamy v. State of T.N.*[8], wherein it has been laid down that: (SCC p. 154, para 2)

"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

7 (2007) 9 SCC 278

8 (1975) 1 SCC 152

approach the Court to put forward stale claims and try to unsettle settled matters."

9. The Supreme Court, in the matter of ***Union of India and Others vs. C. Girija and Others***[9] has further held that mere filing of representation will not give any fresh cause of action and consideration thereof cannot obliterate bar of limitation or issue of delay and laches.

10. Applying the well-settled principles of law to the fact of the present case and for the reasons mentioned hereinabove, the present writ petition is hereby **dismissed** on the ground of inordinate delay and laches.

Sd/-

(Bibhu Datta Guru)
JUDGE

$. Bhilwar

9 (2019) 15 SCC 633

HEAD NOTE

Mere filing of repeated representations by an employee against an existing service-related decision neither extends the period of limitation nor revives a stale claim.