



CGHC010365992023



2026:CGHC:32773

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Judgment Reserved on 02.07.2026

Judgment Pronounced on 30.07.2026

WPS No. 8779 of 2023

Surendra Kumar S/o Keshri Singh, Aged About 31 Years R/o Village Dola,
P.O. Ramnagar, Tehsil Kotma, District Anuppur (M.P.)

... Petitioner

versus

1 - South Eastern Coalfields Limited, Through Chairman -Cum-Managing
Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur
Chhattisgarh.

2 - General Manager, (Personnel/man Power), South Eastern Coalfields
Limited, Seepat Road, Bilaspur Chhattisgarh.

3 - Area General Manager, South Eastern Coalfields Limited, Hasdeo Area,
P.O. South Jhagrakhand, District Korea Chhattisgarh.

4 - Sub Area Manager, South Eastern Coalfields Limited, Rajnagar Ocm, P.O
Rajnagar, District Anuppur (M.P.)

5 - Senior Manager (Personnel), South Eastern Coalfields Limited, Rajnagar
Ocm, P.O Rajnagar, District Anuppur (M.P.)

... Respondents

{Cause title taken from Case Information System}

For Petitioner	:	Mr. Chandresh Shrivastava and Ms. Mahi Pandey, Advocate.
For Respondents	:	Ms. Astha Shukla, Adv. on behalf of Mr. Vaibhav Shukla, Advocate.

{Hon'ble Mr. Justice Naresh Kumar Chandravanshi}

C A V Judgment

1. This is second round of litigation. Earlier vide order dated 28.02.2026, Coordinate Bench of this Court had allowed this petition and respondents were directed to consider and decide the petitioner's application for grant of dependent employment in accordance with the provisions contained in National Coal Wage Agreement (for brevity, "NCWA"), as applicable on the date of death of petitioner's mother, without being influenced by the fact that the petitioner's father is already in employment.

2. Aforesaid order dated 28.02.2026 was challenged by the respondents- SECL in an *intra* court appeal bearing Writ Appeal No. 402 of 2026, in which, learned Division Bench, vide order dated 08.05.2026, set aside the order dated 28.02.2026 passed by the Single Bench in WPS No. 8779 of 2023 observing therein in paragraph 11 to 15 as under:-

“11. Despite raising specific objection regarding delay and laches and replied by the writ petitioner in rejoinder and despite submissions raised at the time of hearing of the writ petition by the respective parties, the consideration on that issue does not find place in the impugned order passed by the Single Judge.

12. Delay and laches is a vital issue involved in the writ petition as the parties have vehemently made their rival submissions on that issue and in view of the case of **Surjeet Singh Sahni Vs. State**

of Uttar Pradesh¹, the delay in filing the writ petition, if any, have the substantial bearing in the writ petition. Thus, we are of the considered opinion that the matter should be reheard by the learned Single Judge and to pass the order afresh considering the issue of delay and laches, as has been raised by the writ appellants SECL and replied by the writ petitioner.

13. Accordingly, we set aside the impugned order dated 28.02.2026 passed by the learned Single Judge and remit the matter back to learned Single Judge by restoring WPS No. 8779 of 2023 to its original status for hearing and deciding the same afresh, including the issue of delay and laches as has been raised by the SECL, in accordance with law and after providing them proper opportunity of hearing, within six weeks from the first date of its listing before the learned Single Judge.

14. Registry is directed to list the restored case WPS No. 8779 of 2023 for hearing before the learned Single Judge without any further delay.

15. With the aforesaid observations, the writ appeal is allowed in part to the extent indicated herein-above.

3. In light of aforesaid order of learned Division Bench, the case was restored and reheard.

1 AIR Online 2022 SC 226

4. The instant writ petition has been preferred by the petitioner challenging in-action of respondent-authorities for not granting him employment as dependent of his deceased-mother in accordance with the provisions of NCWA, which is an agreement executed between the management and employees' union of SECL. The petitioner has sought following reliefs in the instant writ petition :-

10.1 The Hon'ble Court may kindly be pleased to call for the entire record pertaining to the case of the petitioner.

10.2 The Hon'ble Court may kindly be pleased to direct the respondent authorities to consider the case of petitioner and grant employment to the petitioner being dependent of his mother as per the Social Security Scheme as envisaged under the National Coal Wage agreement.

10.3 The Hon'ble Court may kindly be pleased to direct the respondent Company to issue appointment order in favour of the petitioner as per the National Coal Wage Agreement.

10.4 The Hon'ble Court may kindly be pleased to direct the respondent company to pay compensation to the petitioner for the reason that the petitioner's valuable right is unnecessarily being denied by the respondent company.

10.5 Any other relief, which this Hon'ble Court deems fit and proper may also be awarded to the petitioner including the cost of petition.

5. Facts of the case, in brief, are that Late Smt. Bhagwaniya, mother of petitioner, was employed as 'General Mazdoor' at Rajnagar OCM. During service period, she died on 07.05.2011. Being son and dependent family

member, petitioner applied on 12.9.2011 seeking dependent employment as per provisions of NCWA. Vide letter dated 20.4.2012, the respondents informed him, without assigning any reason, that his case could not be considered. Despite repeated requests and representations filed by the petitioner, he was not granted dependent employment. Hence, he filed instant writ petition on 30.10.2023.

6. Respondents -SECL filed its return stating *inter alia* that, since at the time of death of mother, father of the petitioner namely, Keshri Singh was already in employment with the SECL and working as Clerk Grade-II in Hasdeo Colliery Area, thus, the deceased was not sole bread earner of the family, therefore, in view of the policy decision taken in the 80th Meeting of Directors (Personnel) of all subsidiaries of Coal India Limited held on 16.4.2004, it was clarified that in case, spouse of the deceased employee is already employed, the question of providing further employment or monetary compensation does not arise. Another argument raised by the respondent-SECL pertains to delay and laches, as mother of the petitioner died on 07.05.2011, but the petitioner filed instant writ petition on 30.10.2023 i.e. after more than 12 years from the date of death of his mother.

7. After hearing learned counsel for both the parties, learned Coordinate Bench of this Court vide order dated 28.02.2026 allowed the writ petition directing the respondents-SECL to consider and decide the petitioner's application for grant of dependent employment, which has been remitted by learned Division Bench vide order dated 8.5.2026 passed in Writ Appeal No. 402 of 2026, as has been stated in preceding paragraphs.

8. Learned counsel appearing for the petitioner would submit that though at the time of death of mother of the petitioner, father of petitioner namely Shri

Keshri Singh was in employment with the respondents-SECL, but merely on this ground, the petitioner cannot be deprived of getting dependent employment under NCWA, because it has been held that NCWA is not a grant or scheme made by the employer, rather it is a settlement arrived at between the management and employees' union of SECL. In this regard, he relied upon the judgment of the Supreme Court in the case of **Mohan Mahto Vs. M/s. Central Coal Field Ltd. and others**², **Smt. Subhadra vs. Ministry of Coal**³ and also relied upon the judgment of this High Court in the matter of **Avinash Saloman Vs. South Eastern Coalfields Limited & others**⁴ and **South Eastern Coalfields Limited and others v. Gulshan Prakash**⁵.

Against which, SLP (Civil) diary No. 12905 /2024 **{South Eastern Coalfields Limited & others vs. Gulshan Prakash}** & Diary No. (s) 12929 / 2024 have been rejected by the Hon'ble Supreme Court vide order dated 10.04.2024.

8.1. Learned counsel for the petitioner further submits that learned Division Bench, vide its order dated 08.05.2026, has remitted the matter for hearing and disposal of the same afresh on the issue of delay and laches raised by respondents-SECL, which has not been considered in earlier order dated 28.02.2026. He further submits that within five months from the date of death of petitioner's mother, the petitioner filed an application on 12.9.2011 for grant of dependent employment, however, vide communication (Annexure P-4) dated 20.4.2012, the respondents informed him that his case could not be considered, but no reason was assigned for the same, therefore, the petitioner again and again visited the offices of Respondents No. 4 and 5, where he was given assurance only, but did not inform about the reason,

2 AIR 2008 SC 39

3 AIR 2018 SC 783

4 WP (S) No. 832 of 2012, decided on 30.11.2015

5 Writ Appeal No. 89 of 2026, decided on 11.10.2023.

nearly for about four years. Therefore, the petitioner filed representation on 19.08.2021 (Annexure P-5) before respondent No. 4 for grant of dependent employment, but no action was taken by them on that representation also, despite repeated oral prayer and being contacted to the respondent-SECL.

8.2. He further submits that since the petitioner is a person of labourer and down-trodden family, less-literate and resident of remote area and he was only assured by respondent authorities that his case will be considered, therefore, the delay occurred in filing the instant writ petition.

8.3. Learned counsel appearing for the petitioner further submits that Hon'ble Supreme Court in various judgments has held that if circumstances justify the conduct exists the illegality which is manifest, then delay and laches cannot be held to be sole ground to deprive the petitioner of grant of relief. To substantiate his contention, learned counsel relied upon the judgment of the Supreme Court in the matter of Urban Improvement Trust Vs. Vidhya Devi and others⁶, Tukaram Kana Joshi and others through Power-of-Attorney Holder vs. Maharashtra Industrial Development Corporation and others⁷ and Sudhir Ram @ Sudhir Kumar vs. Central Coalfields Limited & others⁸.

9. In response thereto, learned counsel for respondents-SECL while opposing the prayer made by learned counsel for the petitioner would submit that, learned Division Bench while setting aside and remitting earlier order, has also directed to decide the case afresh, including the issue of delay and laches, as has been raised by the SECL, in accordance with law. She further submits that, at the time of death of mother of the petitioner, father of the

6 AIR Online 2024 SC 928

7 (2013) 1 SCC 353

8 SLP (Civil) Diary No (s). 33900 of 2023, decided on 21.10.2024

petitioner was already in employment with respondents-SECL, therefore, dependency of the petitioner automatically shift upon his father, hence, it cannot be said that there was hardship or penury for survival of the family. Now, it is settled law that compassionate appointment cannot be claimed as a matter of right, rather it can be granted only upon the death of the sole bread earner of the family. It cannot be granted solely on sympathetic considerations. With regard to the reliance placed on the NCWA, learned counsel submits that the same is misconceived, as in view of earlier decision taken in the 80th Meeting of Directors (personnel) of all subsidiaries of Coal India Limited held on 16.04.2004, it has been clarified that in case, spouse of the deceased employee is already employed, the question of providing further employment or monetary compensation does not arise. She further submits that the view taken by this Court in the case of **Avinash Saloman Vs. South Eastern Coalfields Limited & others**⁹, which has been affirmed by learned Division Bench in the matter of **M/s South Eastern Coalfields Limited & others Vs. Avinash Saloman**¹⁰ and also in the matter of **South Eastern Coalfields Limited and others v. Gulshan Prakash**¹¹, wherein it has been held that under the NCWA, a co-dependent is entitled to get dependent employment even when another co-dependent is already in service, has been distinguished by learned Division Bench of this Court in the matter of **Sebron Ashawan Vs. South Eastern Coal Limited & others**¹², and the petitioner therein had subsequently withdrawn the SLP (C) No. 10384/2024 filed in that case. Similar view has also been taken by learned Division Bench in the case of **Ramandeep Singh Maan vs. South Eastern**

9 WP (S) No. 832 of 2012, decided on 30.11.2015

10 Writ Appeal No. 20 of 2016, decided on 11.10.2023

11 Writ Appeal No. 89 of 2016, decided on 11.10.2023

12 Writ Appeal No. 341 of 2021, decided on 24.04.2023

Coalfields Limited & others¹³, Minketan Chandra & another vs. South Eastern Coalfields Limited and others¹⁴, wherein it has been held by the Division Bench that when other spouse of deceased-employee is already in service, then co-dependent (petitioner) is not entitled to get dependent employment, even in SECL. Relying upon aforesaid judgments, learned counsel submits that since father of the petitioner was already in employment with respondents-SECL at the time of death of his mother, therefore, he is not entitled to get dependent employment. Hence, on this ground alone, the petition deserves to be dismissed.

9.1. Learned counsel for the respondents-SECL further contended that mother of the petitioner died on 7.5.2011. The petitioner had filed an application for dependent employment on 12.9.2011, but he was informed vide communication dated 20.04.2012 (Annexure P-4) that the Head Office had conveyed that it was not possible to consider his case for appointment on compassionate grounds; meaning thereby, his application was rejected. But, after more than 11 years from such rejection, the petitioner has filed instant writ petition, therefore, the petition filed by the petitioner deserves to be dismissed on the ground of delay and laches also. She further submits that though the petitioner filed representation dated 19.08.2016 before respondent No. 4 for grant of dependent employment, but filing such representation by the petitioner cannot be a ground of condonation of an inordinate delay, as Hon'ble Supreme Court in the matter of **Surjeet Singh Sahni (supra)** has held that mere filing of representation will not extend the period of limitation.

9.2 She further submits that the Courts have consistently taken a view that the grant of compassionate appointment is only to succumb to the immediate

¹³ Writ Appeal No. 206 of 2025, decided on 25.03.2025

¹⁴ Writ Appeal No. 964 of 2025, decided on 07.01.2026

pressure arising out of the death of the bread-earner employee and once the dependents have been able to tide through the hardship for a long period then the purpose of grant of dependent employment no longer remains and such vacancy should be left open to be filled by means of competition among various candidates. In this regard, she placed reliance upon the judgment of the Hon'ble Supreme Court in the matter of State of J & K vs. Sajad Ahmed Mir¹⁵, Chennai Metropolitan Water Supply and Sewerage Board and Others Vs. T.T. Murlai Babu¹⁶, Rushibhai Jagdishbai Pathak Vs. Bhavnagar Municipal Corporation¹⁷, Bichitrananda Behera Vs. State of Orissa and others¹⁸ .

10. Heard counsel for the parties and perused the material placed on record.

11. A focused glance of the earlier order dated 28.02.2026 passed by the Coordinate Bench in instant petition would show that the issue, as to whether, despite being father of the petitioner employed with respondents – SECL, on account of death of mother, who employed as General Mazdoor, the petitioner is entitled to get dependent employment under the NCWA, has been considered by the learned Coordinate Bench in detail from para 20 to 32 quoting relevant provisions of National Coal Wage Agreement and its interpretation in light of the provisions of Industrial Disputes Act, as has been observed by Hon'ble Supreme Court in the matter of Mohan Mahto (supra), Smt. Subhadra (supra) and Kanishk Sinha and another v. The State of West Bengal and other¹⁹ .

¹⁵ (2006) 5 SCC 766

¹⁶ (2014) 4 SCC 108

¹⁷ 2022 SCC Online SC 64

¹⁸ 2023 Livelaw (SC) 883

¹⁹ {SLP (criminal) No. 8609-8614 of 2024 vide order dated 27.02.2025}

12. While deciding aforesaid issue, the Coordinate Bench has also considered the judgment rendered by learned Single Bench of this Court in the matter of **Avinash Saloman** (supra), which has also been affirmed by Hon'ble Supreme Court in the matter of **M/s South Eastern Coalfields Limited & others vs. Avinash Saloman** passed in Civil Appeal No. 8728 of 2018 vide judgment dated 20.02.2023, also in case of **South Eastern Coalfields Limited and others v. Gulshan Prakash** passed in Writ Appeal No. 89 of 2016 decided on 11.10.2023, as denial of dependent employment on similar ground, as has been raised by the respondents-SECL in the instant petition, has been disapproved.

13. After detailed discussion of provisions of NCWA and various judgments, learned Coordinate Bench has observed in para 29 and 30 as under :-

29. The distinction between a discretionary compassionate appointment under a statutory policy and dependant employment flowing from a binding bipartite settlement has been clearly reiterated by the Hon'ble Supreme Court in **Smt. Subhadra** (supra), wherein it has been held that where the scheme forms part of a binding agreement, its terms leave no room for administrative discretion dehors the agreement. The legal position regarding the binding nature of precedents and the impermissibility of taking a view contrary to settled law has been elaborately considered in **Siddharam Satlingappa Mhetre** (supra), emphasizing judicial discipline under Article 141 of the Constitution of India. Further, the contention of the respondents regarding prospective operation of judgments stands repelled in view of the recent pronouncement of the Hon'ble Supreme Court in **Kanishk Sinha** (supra), wherein it has been clarified that law declared by a Constitutional Court is ordinarily retrospective

unless specifically directed otherwise.

30. In the instant case, therefore, the rejection/non-consideration of the petitioner's claim solely on the ground that his father is already in employment is wholly misconceived and legally unsustainable. The petitioner's mother died in harness while serving the respondent Company, thereby giving rise to a right in favour of one eligible dependant to be considered for employment under the Social Security Scheme contained in the NCWA. The Agreement nowhere provides for an absolute bar disentitling a dependant merely because another member of the family is in employment. Introducing such a condition by way of internal minutes or administrative policy would amount to adding to or altering the binding settlement, which is impermissible in law.

14. This Court also concurs with the observations and the finding recorded by the Coordinate bench in the earlier order that internal minutes dated 16.4.2004 passed in 80th Meeting of Directors (Personnel) of all subsidiaries of Coal India Limited cannot override the statutory and binding settlement under the NCWA. As such, learned Coordinate Bench arrived at the conclusion that despite father of the petitioner being employed with the respondents-SECL at the time of death of his mother, the petitioner is entitled to get dependent employment.

15. Perusal of the judgment rendered by learned Division Bench in the case of **Ramandeep Singh Mann (Supra)** and **Minketan Chandra (supra)**, reveals that earlier view taken in the case **Avinash Saloman** (supra) and **Gulshan Prakash** (supra) was distinguished, but in the case of **Minketan**

Chandra (supra), view taken by the learned Division Bench in case of **Gulshan Prakash** (supra) was distinguished on the ground that deceased – Lakhan Lal Chandra was posted as a Subordinate Engineer in the Establishment of SECL, therefore, seeking dependent employment by the petitioner therein was declined because deceased was Executive Employee and grant of dependent employment against such post is governed by the Memorandum dated 13.3.1981 (Executive Policy) and not governed by the NCWA, whereas, in the instant case, the deceased -employee was posted as “General Mazdoor” governed by the NCWA, therefore, judgment rendered by the learned Division Bench in the matter of **Minketan Chandra** (supra) is not helpful to the respondents-SECL.

16. So far as view taken by the learned Division Bench in the matter of **Ramandeep Singh Mann** (supra) is concerned, it seems that, the view taken by learned Division Bench in the case of **Avinash Saloman** was not brought in detail. Therefore, having considered the doctrine of *per incuriam*, judgment rendered by the learned Division Bench in the case of **Ramandeep Mann** (supra) also not come in the rescue of respondents -SECL. Hence, on due consideration, this Court fully concurs with the finding recorded by learned Coordinate Bench in earlier order dated 28.02.2026, that even at the time of death of mother, father of the petitioner was in the employment of respondents-SECL, despite that the petitioner is entitled to get dependent employment as per the provisions of NCWA.

17. So far as ground of delay and laches raised by respondents-SECL is concerned, admittedly, mother of the petitioner died on 7.5.2011 and the application moved by the petitioner for grant of dependent employment on 12.9.2011 was rejected by the respondent No. 5-SECL and the same was

informed to the petitioner vide Communication dated 20.04.2012 (Annexure P-4), but instant petition has been preferred by the petitioner on 30.10.2023. Thus, the petitioner has filed instant petition after more than 12 years from the date of death of his mother and after about more than 10 years from the date of rejection of his application for dependent employment.

18. It is trite law that, the question of condonation of delay is one of the discretion of the Court and it has to be decided on the basis of facts of each case and it would be exercised fairly and justly so as to promote justice and not to defeat. As such, no hard and fast rule can be laid down as to when the Court should refuse to exercise its jurisdiction in favour of a party, who moves it after considerable delay and is otherwise guilty of laches. Where the circumstances justifying the conduct exists, the illegality which is manifest, cannot be sustained on the sole ground of laches.

19. Hon'ble Supreme Court while considering the delay and laches in the matter of **Chennai Metropolitan Water Supply and Sewerage Board and Others** (supra) has held as under :-

“17. In the case at hand, though there has been four years' delay in approaching the court, yet the writ court chose not to address the same. It is the duty of the court to scrutinize whether such enormous delay is to be ignored without any justification. That apart, in the present case, such belated approach gains more significance as the respondent-employee being absolutely careless to his duty and nurturing a lackadaisical attitude to the responsibility had remained unauthorisedly absent on the pretext of some kind of ill health. We repeat at the cost of repetition that remaining innocuously oblivious to such delay does not foster the cause of justice. On the contrary, it brings in injustice, for

it is likely to affect others. Such delay may have impact on others' ripened rights and may unnecessarily drag others into litigation which in acceptable realm of probability, may have been treated to have attained finality. A court is not expected to give indulgence to such indolent persons - who compete with 'Kumbhakarna' or for that matter 'Rip Van Winkle'. In our considered opinion, such delay does not deserve any indulgence and on the said ground alone the writ court should have thrown the petition overboard at the very threshold."

20. In the matter of **Rushibhai Jagdishbhai Pathak** (supra), their Lordship of the Supreme Court held as under :-

"9. The doctrine of delay and laches, or for that matter statutes of limitation, are considered to be statutes of repose and statutes of peace, though some contrary opinions have been expressed (in Nav Rattanmal Vs. State of Rajasthan, AIR 1961 SC 1704). The courts have expressed the view that the law of limitation rests on the foundations of greater public interest for three reasons, namely, (a) that long dormant claims have more of cruelty than justice in them; (b) that a defendant might have lost the evidence to disapprove a stale claim; and (iii) that persons with good causes of action (who are able to enforce them) should pursue them with reasonable diligence (State of Kerala Vs. V.R. Kalliyankutty, (1999) 3 SCC 657 relying on Halsbury's Laws of England, 4th Edn., Vol. 28, para 605; Halsbury's laws of England, Vol. 68 (2021) para 1005. Equally, change in de facto position or character, creation of third party rights over a period of time, waiver, acquiesce, and need to ensure certitude in dealings, are equitable public policy considerations why period of limitation is prescribed by law. Law of limitation does not apply to writ petitions, albeit the discretion vested with a constitutional

court is exercised with caution as delay and laches principle is applied with the aim to secure the quiet of the community, suppress fraud and perjury, quicken diligence, and prevent oppression. See [Popat and Kotecha Property v. State Bank of India Staff Association](#), (2005) 7 SCC 510. Therefore, some decisions and judgments do not look upon pleas of delay and laches with favour, especially and rightly in cases where the persons suffer from adeptness, or incapacity to approach the courts for relief. However, other decisions, while accepting the rules of limitation as well as delay and laches, have observed that such rules are not meant to destroy the rights of the parties but serve a larger public interest and are founded on public policy. There must be a lifespan during which a person must approach the court for their remedy. Otherwise, there would be unending uncertainty as to the rights and obligations of the parties. (See *N. Blarkrishnan Vs. M. Krishnamurty*, (1998) 7 SCC 123.

21. In the case of **Majji Sannemma @ Sanyasirao v. Reddy Sridevi**, (2021) 18 SCC 384: AIR 2022 SC 332, the Hon'ble Supreme Court while considering the alike issue has observed that the High Court erred in condoning the huge delay of 1011 days in preferring the appeal and thereby set-aside the order observing therein as under:-

7.1 In the case of *Ramlal vs. Rewa Coalfields Ltd.* 1961 SCC Online SC 39, it is observed and held as under:

In construing s. 5 it is relevant to bear in mind two important considerations. The first consideration is that the expiration of the period of limitation prescribed for making an appeal gives rise to a right in favour of the decree holder to treat the decree as binding between the parties. In other words, when the period of limitation prescribed has expired the decree holder has obtained a benefit under the law of limitation to treat the decree as beyond challenge, and this legal right which has

accrued to the decree holder by lapse of time should not be light- heartedly disturbed. The other consideration which cannot be ignored is that if sufficient cause for excusing delay is shown discretion is given to the Court to condone delay and admit the appeal. This discretion has been deliberately conferred on the Court in order that judicial power and discretion in that behalf should be exercised to advance substantial justice. As has been observed by the Madras High Court in *Krishna v. Chattappan*, ILR (1890) 13 Mad. 269, "s. 5 gives the Court a discretion which in respect of jurisdiction is to be exercised in the way in which judicial power and discretion ought to be exercised upon principles which are well understood; the words 'sufficient cause' receiving a liberal construction so as to advance substantial justice when no negligence nor inaction nor want of bona fide is imputable to the appellant."

7.2 In the case of *P.K. Ramachandran Vs. State of Kerala and Anr.* (1997) 7 SCC 556, while refusing to condone the delay of 565 days, it is observed that in the absence of reasonable, satisfactory or even appropriate explanation for seeking condonation of delay, the same is not to be condoned lightly. It is further observed that the law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes and the courts have no power to extend the period of limitation on equitable grounds. It is further observed that while exercising discretion for condoning the delay, the court has to exercise discretion judiciously.

7.3 In the case of *Pundlik Jalam Patil vs. Executive Engineer, Jalgaon Medium Project* (2008) 17 SCC 448, it is observed as under:

"The laws of limitation are founded on public policy. Statutes of limitation are sometimes described as "statutes of peace". An unlimited and perpetual threat of limitation creates insecurity and uncertainty; some kind of limitation is essential for public order. The principle is based on the maxim "interest reipublicae ut sit finis litium", that is, the interest of the State requires that there should be end to litigation but at the same

time laws of limitation are a means to ensure private justice suppressing fraud and perjury, quickening diligence and preventing oppression. The object for fixing time limit for litigation is based on public policy fixing a lifespan for legal remedy for the purpose of general welfare. They are meant to see that the parties do not resort to dilatory tactics but avail their legal remedies promptly. Salmond in his Jurisprudence states that the laws come to the assistance of the vigilant and not of the sleepy.”

7.4 In the case of Basawaraj and Anr. Vs. Special Land Acquisition Officer, (2013) 14 SCC 81, it is observed and held by this Court that the discretion to condone the delay has to be exercised judiciously based on facts and circumstances of each case. It is further observed that the expression “sufficient cause” cannot be liberally interpreted if negligence, inaction or lack of bona fides is attributed to the party. It is further observed that even though limitation may harshly affect rights of a party but it has to be applied with all its rigour when prescribed by statute. It is further observed that in case a party has acted with negligence, lack of bona fides or there is inaction then there cannot be any justified ground for condoning the delay even by imposing conditions. It is observed that each application for condonation of delay has to be decided within the framework laid down by this Court. It is further observed that if courts start condoning delay where no sufficient cause is made out by imposing conditions then that would amount to violation of statutory principles and showing utter disregard to legislature.

7.5 In the case of Pundlik Jalam Patil (supra), it is observed by this Court that the court cannot enquire into belated and stale claims on the ground of equity. Delay defeats equity. The Courts help those who are vigilant and “do not slumber over their rights.”

22. In the matter of **Rushibhai Jagdishbhai Pathak Vs. Bhavnagar Municipal Corporation, 2022 SCC Online 64**, their Lordship of the Supreme Court held as under :-

“9. The doctrine of delay and laches, or for that matter statutes of limitation, are considered to be statutes of repose and statutes of peace, though some contrary opinions have been expressed (in *Nav Rattanmal Vs. State of Rajasthan*, AIR 1961 SC 1704). The courts have expressed the view that the law of limitation rests on the foundations of greater public interest for three reasons, namely, (a) that long dormant claims have more of cruelty than justice in them; (b) that a defendant might have lost the evidence to disapprove a stale claim; and (iii) that persons with good causes of action (who are able to enforce them) should pursue them with reasonable diligence (*State of Kerala Vs. V.R. Kalliyankutty*, (1999) 3 SCC 657 relying on Halsbury’s Laws of England, 4th Edn., Vol. 28, para 605; Halsbury’s laws of England, Vol. 68 (2021) para 1005. Equally, change in de facto position or character, creation of third party rights over a period of time, waiver, acquiesce, and need to ensure certitude in dealings, are equitable public policy considerations why period of limitation is prescribed by law. Law of limitation does not apply to writ petitions, albeit the discretion vested with a constitutional court is exercised with caution as delay and laches principle is applied with the aim to secure the quiet of the community, suppress fraud and perjury, quicken diligence, and prevent oppression. See [Popat and Kotecha Property v. State Bank of India Staff Association](#), (2005) 7 SCC 510. Therefore, some decisions and judgments do not look upon pleas of delay and laches with favour, especially and rightly in cases where the persons suffer from adeptness, or incapacity to approach the courts for relief. However, other decisions, while accepting the rules of limitation as well as delay and laches, have observed that such rules are not meant to destroy the rights of the parties but serve a larger public interest and are founded on public policy. There must be a lifespan during which a person must approach the court for their remedy. Otherwise, there would be unending uncertainty as to the rights and obligations of the parties. (See *N. Blarkrishnan Vs. M. Krishnamurty*, (1998) 7 SCC 123. Referring to the principle of delay and laches, this Court, way back in [Moons Mills Ltd. v. M.R. Mehar, President, Industrial](#)

Court, Bombay AIR 1967 SC 1450, had referred to the view expressed by Sir Barnes Peacock in *The Lindsay Petroleum Company and Prosper Armstrong Hurd, Abram Farewell, and John Kemp*, (L.R.) 5 P.C. 21 in the following words:

“ Now the doctrine of laches in Courts of Equity is not an arbitrary or a technical doctrine. Where it would be practically unjust to give a remedy, either because the party has, by his conduct, done that which might fairly be regarded as equivalent to a waiver of it, or where by his conduct and neglect he has, though perhaps not waiving that remedy, yet put the other party in a situation in which it would not be reasonable to place him if the remedy were afterwards to be asserted, in either of these cases, lapse of time and delay are most material. But in every case, if an argument against relief, which otherwise would be just, is founded upon mere delay, that delay of course not amounting to a bar by any statute of limitations, the validity of that defence must be tried upon principles substantially equitable. Two circumstances, always important in such cases, are, the length of the delay and the nature of the acts done during the interval, which might affect either party and cause a balance of justice or injustice in taking the one course or the other, so far as relates to the remedy.”

23. Further, Hon'ble Supreme Court in the matter of **Pathapati Subba Reddy (Died) By L.Rs. and Others vs. The Special Deputy Collector (LA)** reported in **2024 SCC Online SC 513** has held in paragraphs 17, 18, 19, 20 & 21, as under:-

“17. It must always be borne in mind that while construing ‘sufficient cause’ in deciding application under Section 5 of the Act, that on the expiry of the period of limitation prescribed for filing an appeal, substantive right in favour of a decree-holder accrues and this right ought not to be lightly disturbed. The decree-holder treats the decree to be binding with the lapse of time and may proceed on such assumption creating new rights.

18. This Court as far back in 1962 in the case of Ramla, Motilal And Chhotelal vs. Rewa Coalfields Ltd reported in AIR 1962 SC 361 has emphasized that even after sufficient cause has been shown by a party for not filing an appeal within time, the said party is not entitled to the condonation of delay as excusing the delay is the discretionary jurisdiction vested with the court. The court, despite establishment of a 'sufficient cause' for various reasons, may refuse to condone the delay depending upon the bona fides of the party.

19. In Maqbul Ahmad vs. Onkar Pratap Narain Singh and Ors. reported in AIR 1935 PC 85, it had been held that the court cannot grant an exemption from limitation on equitable consideration or on the ground of hardship. The court has time and again repeated that when mandatory provision is not complied with and delay is not properly, satisfactorily and convincingly explained, it ought not to condone the delay on sympathetic grounds alone.

20. In this connection, a reference may be made to Brijesh Kumar vs. State of Haryana reported in (2014) 11 SCC 351 wherein while observing, as above, this Court further laid down that if some person has obtained a relief approaching the court just or immediately when the cause of action had arisen, other persons cannot take the benefit of the same by approaching the court at a belated stage simply on the ground of parity, equity, sympathy and compassion.

21. In Lanka Venkateswarlu vs. State of Andhra Pradesh reported in (2011) 4 SCC 363 where the High Court, despite unsatisfactory explanation for the delay of 3703 days, had allowed the applications for condonation of delay, this Court held that the High Court failed to exercise its discretion in a reasonable and objective manner. High Court should have exercised the discretion in a systematic and an informed manner. The liberal approach in considering sufficiency of cause for delay should not be allowed to override substantial law of limitation. The Court observed that the concepts such as 'liberal approach', 'justice- oriented approach' and 'substantial justice' cannot be employed to jettison the substantial law of limitation.

24. Reverting to the facts of the instant case, if examined in the light of aforesaid law laid down by the Apex Court, then as has been mentioned in preceding paragraphs that the petitioner has filed instant petition after more than 12 years from the date of death of his mother and after more than 10 years from the date of rejection of his application for dependent employment. Though, it is contention of learned counsel for the petitioner that in between he again and again contacted respondents authorities, who only gave him assurance for about 4 years, thereafter, he again moved representation dated 19.08.2016 (Annexure P-5), but the same has not been decided yet.

25. Cause of delay shown by petitioner, for more than 12 years / 10 years in filing instant petition is not found to be sustainable, as even if respondent authorities had given again and again false assurance, then, after reasonable time, the petitioner may have filed writ petition, but he did not do so, instead, he filed representation on 19.08.2016 (Annexure P-5). Subsequently, he again failed to take any appropriate steps or file a writ petition for a period of more than six years; instead, he filed the present petition on 30.10.2023. Thus, in the considered opinion of this Court, there is no justification to condone such enormous delay in filing instant petition, as the petitioner remaining innocuously oblivious to such delay does not foster the cause of justice, on the contrary, it brings in injustice, for it is likely to affect others. The Court is not expected to give indulgence to such indolent persons. Hence, it does not deserve any indulgence of the Court.

26. It is also settled proposition of law that, the doctrine of delay and laches or for that matter statutes of limitation, are considered to be statutes of repose and statutes of peace, there must be a lifespan during which a person

must approach the Court for his remedy. Otherwise there would be unending uncertainty as to the rights and obligations of the parties.

27. During course of submission, learned counsel for the petitioner put very much stress upon the case of **Sudhir Ram @ Sudhir Kumar** (supra), in which Hon'ble Supreme Court condoned the inordinate delay of 26 years in getting dependent employment in the SECL, but in that case, when father of the petitioner therein died, at that time, the petitioner was minor and her mother had already filed application stating aforesaid facts with a prayer to keep their claim in live-roster. The application filed by the petitioner therein was rejected after 16 years, therefore, in fact situation of that case, Hon'ble Supreme Court condoned the delay of 26 years from the date of death of father of employee / deceased. In the present case, as has been observed in preceding paragraphs that the petitioner filed instant petition after 12 years from the date of death of his mother. Though, he filed subsequent representation dated 19.08.2016 (Annexure P-5), but neither extend the period of limitation in filing writ petition nor nullify inordinate delay of 12 years in filing instant petition, as Hon'ble Supreme Court has held in case of **Surjeet Singh Sahni (supra)** that, mere filing representation cannot extend the period of limitation.

28. Thus, in view of above discussion, in the considered opinion of this Court, though the petitioner is found to be entitled to get dependent employment on account of death of his mother, even though his father was in employment with respondents-SECL, but since instant petition has been filed by the petitioner after more than 12 years from the date of death of his mother and after more than 10 years from the date of rejection of his application by the respondent authorities, therefore, taking into account the

law down by the Hon’ble Supreme Court in afore-cited cases and inordinate delay caused by the petitioner in filing instant petition, this Court is not inclined to allow the instant petition.

29. Consequently, instant petition fails and is hereby dismissed. No order as to costs.

30. Pending interlocutory application (s), if any, also stands disposed of.

**Sd/-
(Naresh Kumar Chandravanshi)
Judge**

The date when the judgment is reserved	The date when the judgment is prononed	The date when the judgment is uploaded on the website	
		Operative	Full
02.07.2026	30.07.2026	-----	30.07.2026

