



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 12TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO. 100603 OF 2025 (S-R)

C/W

WRIT APPEAL NO. 100604 OF 2025 (S-REG)

WRIT APPEAL NO. 100605 OF 2025 (S-RES)

WRIT APPEAL NO. 100606 OF 2025 (S-RES)

WRIT APPEAL NO. 100607 OF 2025 (S-REG)

WRIT APPEAL NO. 100609 OF 2025 (S-R)

WRIT APPEAL NO. 100610 OF 2025 (S-RES)

IN WA NO. 100603/2025

BETWEEN:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU 560001.
2. THE CHIEF ENGINEER,
DEPARTMENT OF MINOR IRRIGATION AND
GROUND WATER DEPARTMENT,
VIJAYAPURA 587120.
3. THE SUPERINDENT ENGINEER,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
KALABURGI CIRCLE,
KALABURGI 585211.



4. THE EXECUTIVE ENGINEER,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
KOPPAL 583231,
DISTRICT KOPPAL.
5. THE ASSISTANT EXECUTIVE ENGINEER,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
KOPPAL 583231,
DISTRICT KOPPAL.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, PRL. GOVERNMENT ADVOCATE)

AND:

VEERUPAXAPPA,
S/O BANAPPA ULLAGADDI,
AGE. 62 YEARS,
OCC. RETIRED FROM SERVICE,
R/O GUDLANUR 583238,
TQ. KOPPAL, DIST. KOPPAL.

...RESPONDENT

(BY SRI. VIJAYKUMAR BALAGERIMATH, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SEC.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED ORDER PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.106619/2024 DATED 31/01/2025 AND FURTHER DISMISS THE WRIT PETITION IN THE INTEREST OF JUSTICE AND EQUITY.

IN WA NO. 100604/2025

BETWEEN:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU 560001.



2. THE CHIEF ENGINEER,
DEPARTMENT OF MINOR IRRIGATION AND
GROUND WATER DEPARTMENT,
VIJAYAPURA 587120.
3. THE SUPERINDENT ENGINEER,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
KALABURGI CIRCLE,
KALABURGI 585211.
4. THE EXECUTIVE ENGINEER,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
KOPPAL 583231,
DISTRICT KOPPAL.
5. THE ASSISTANT EXECUTIVE ENGINEER,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
KOPPAL 583231,
DISTRICT KOPPAL.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, PRL. GOVERNMENT ADVOCATE)

AND:

ERANNA CHANDRASHEKARAYYA KAVDIMATH
AGE. 61 YEARS, OCC. SERVICE IN
MINOR IRRIGATION DEPARTMENT
R/O KAVALOR ONI, KOPPAL,
TQ. DIST. KOPPAL 583231.

...RESPONDENT

(BY SRI. VIJAYKUMAR BALAGERIMATH, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SEC.4 OF KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE
IMPUGNED ORDER PASSED BY THE LEARNED SINGLE JUDGE IN
WRIT PETITION NO. WP NO.106610/2024 DATED 20/01/2025
AND FURTHER DISMISS THE WRIT PETITION IN THE INTEREST
OF JUSTICE AND EQUITY.



IN WA NO. 100605/2025

BETWEEN:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU 560001.
2. THE CHIEF ENGINEER,
DEPARTMENT OF MINOR IRRIGATION AND
GROUND WATER DEPARTMENT,
VIJAYAPURA 587120.
3. THE SUPERINDENT ENGINEER,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
KALABURGI CIRCLE, KALABURGI 585211.
4. THE EXECUTIVE ENGINEER,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
KOPPAL 583231, DISTRICT KOPPAL.
5. THE ASSISTANT EXECUTIVE ENGINEER,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
KOPPAL 583231, DISTRICT KOPPAL.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, PRL. GOVERNMENT ADVOCATE)

AND:

DEVAPPA, S/O BASAPPA,
AGE. 62 YEARS,
OCC. RETIRED FROM SERVICE,
R/O BAHADURBANDI-583238,
TQ. DISTRICT-KOPPAL.

...RESPONDENT

(BY SRI. VIJAYKUMAR BALAGERIMATH, ADVOCATE)



THIS WRIT APPEAL IS FILED UNDER SEC.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED ORDER PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO. WP NO.106973/2024 DATED. 17.02.2025 AND FURTHER DISMISS THE WRIT PETITION IN THE INTEREST OF JUSTICE AND EQUITY.

IN WA NO. 100606/2025

BETWEEN:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU 560001.
2. THE CHIEF ENGINEER,
DEPARTMENT OF MINOR IRRIGATION AND
GROUND WATER DEPARTMENT,
VIJAYAPURA 587120.
3. THE SUPERINDENT ENGINEER,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
KALABURGI CIRCLE,
KALABURGI 585211.
4. THE EXECUTIVE ENGINEER,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
KOPPAL 583231,
DISTRICT KOPPAL.
5. THE ASSISTANT EXECUTIVE ENGINEER,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
KOPPAL 583231,
DISTRICT KOPPAL.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, PRL. GOVERNMENT ADVOCATE)



AND:

H. PALLAPPA,
S/O NINGAPPA,
AGE. 62 YEARS,
OCC. RETIRED FROM SERVICE,
R/O HOSANINGAPUR,
POST. MUNIRABAD DAM,
TQ. KOPPAL, DIST. KOPPAL 583231.

...RESPONDENT

(BY SRI. VIJAYKUMAR BALAGERIMATH, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SEC.4 OF KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE
IMPUGNED ORDER PASSED BY THE LEARNED SINGLE JUDGE IN
WRIT PETITION NO.106754/2024 DATED 31/01/2025 AND
FURTHER DISMISS THE WRIT PETITION IN THE INTEREST OF
JUSTICE AND EQUITY.

IN WA NO. 100607/2025

BETWEEN:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU 560001.
2. THE CHIEF ENGINEER,
DEPARTMENT OF MINOR IRRIGATION AND
GROUND WATER DEPARTMENT,
VIJAYAPURA 587120.



3. THE SUPERINDENT ENGINEER,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
KALABURGI CIRCLE,
KALABURGI 585211.
4. THE EXECUTIVE ENGINEER,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
KOPPAL 583231,
DISTRICT KOPPAL.
5. THE ASSISTANT EXECUTIVE ENGINEER,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
KOPPAL 583231,
DISTRICT KOPPAL.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, PRL. GOVERNMENT ADVOCATE)

AND:

SHARANAPPA SHEKARAGOWDA OJANAHALLI
AGE. 62 YEARS,
OCC. RETIRED FROM SERVICE,
R/O NEAR MOGGI BASAVESHWAR TEMPLE,
9TH WARD, YELBURGA,
TQ. YELBURGA,
DIST. KOPPAL-583231.

...RESPONDENT

(NOTICE TO RESPONDENT IS SERVED)

THIS WRIT APPEAL IS FILED UNDER SEC.4 OF KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE
IMPUGNED ORDER PASSED BY THE LEARNED SINGLE JUDGE IN
WRIT PETITION NO. WP NO.106464/2024 DATED 31/01/2025
AND FURTHER DISMISS THE WRIT PETITION IN THE INTEREST
OF JUSTICE AND EQUITY.



IN WA NO. 100609/2025

BETWEEN:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU 560001.
2. THE CHIEF ENGINEER,
DEPARTMENT OF MINOR IRRIGATION AND
GROUND WATER DEPARTMENT,
VIJAYAPURA 587120.
3. THE SUPERINDENT ENGINEER,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
KALABURGI CIRCLE,
KALABURGI 585211.
4. THE EXECUTIVE ENGINEER,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
KOPPAL 583231,
DISTRICT KOPPAL.
5. THE ASSISTANT EXECUTIVE ENGINEER,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
KOPPAL 583231,
DISTRICT KOPPAL.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, PRL. GOVERNMENT ADVOCATE)

AND:

NAGAPPA,
S/O BALAPPA BASARALLI
AGE. 62 YEARS,



OCC. RETIRED FROM SERVICE,
R/O HIREGANAL 583228,
TQ. KOPPAL,
DIST. KOPPAL.

...RESPONDENT

(BY SRI. VIJAYKUMAR BALAGERIMATH, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SEC.4 OF KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE
IMPUGNED ORDER PASSED BY THE LEARNED SINGLE JUDGE IN
WRIT PETITION NO. WP NO.106618/2024 DATED 31/01/2025
AND FURTHER DISMISS THE WRIT PETITION IN THE INTEREST
OF JUSTICE AND EQUITY.

IN WA NO. 100610/2025

BETWEEN:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU 560001.
2. THE CHIEF ENGINEER,
DEPARTMENT OF MINOR IRRIGATION AND
GROUND WATER DEPARTMENT,
VIJAYAPURA 587120.
3. THE SUPERINDENT ENGINEER,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
KALABURGI CIRCLE,
KALABURGI 585211.
4. THE EXECUTIVE ENGINEER,



DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
KOPPAL 583231,
DISTRICT KOPPAL.

5. THE ASSISTANT EXECUTIVE ENGINEER,
DEPARTMENT OF MINOR IRRIGATION
AND GROUND WATER DEPARTMENT,
KOPPAL 583231,
DISTRICT KOPPAL.

...APPELLANTS

(BY SRI. G.K. HIREGOUDAR, PRL. GOVERNMENT ADVOCATE)

AND:

SHIVAPPA,
S/O HANAMAPPA,
AGE. 62 YEARS,
OCC. RETIRED FROM SERVICE,
R/O KASANAKANDI 583228,
TQ. KOPPAL, DIST. KOPPAL.

...RESPONDENT

(BY SRI. VIJAYKUMAR BALAGERIMATH, ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SEC.4 OF KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED
ORDER PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION
NO.107236/2024 DATED 31/01/2025 AND FURTHER DISMISS THE
WRIT PETITION IN THE INTEREST OF JUSTICE AND EQUITY.

THESE WRIT APPEALS COMING ON FOR
PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED
THEREIN AS UNDER:



CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE S G PANDIT)

The appeal – W.A. No.100604/2025 by the State authorities in Irrigation and Water Resource Department is directed against the order dated 20.01.2025 passed in W.P. No.106610/2024 whereby the learned Single Judge quashed the endorsement dated 02.08.2024 and consequently issued mandamus to consider the petitioner's case bearing in mind the observations made in the course of the order with a further observation that the petitioner shall be entitled to all consequential benefits that would flow from such consideration.

2. The other writ appeals are filed against the orders passed in the writ petitions which were disposed of following the order dated 20.01.2025 passed in W.P. No.106610/2024 which is the subject matter in W.A. No.100604/2025.

3. Heard Sri. G.K.Hiregoudar, learned Principal Government Advocate for the appellants, and Sri. Vijaykumar



Balagerimath, learned counsel for the respondents. Perused the entire writ appeal papers.

4. The respondent in W.A. No.100607/2025, though served, has remained unrepresented.

5. The parties would be referred to as they stood before the learned Single Judge.

6. The petitioners approached this Court with a prayer to quash the endorsement dated 02.08.2024 (Annexure-G) under which the request of the petitioners for regularisation was rejected, and also for a writ of mandamus directing the respondents to regularise the services of the petitioners as on the date they were eligible, and to give all the benefits in terms of their representation. Before the learned Single Judge, it was contended that certain daily wage employees of the Minor Irrigation Department had approached the Tribunal seeking regularisation and ultimately, the same was taken up to the Hon'ble Apex Court. The Hon'ble Apex Court in the case of ***Malathi Das (Retired) Now P.B. Mahishy and Others Vs.***



Suresh and Others¹, directed regularisation of 74 persons who were before it.

7. In pursuance of the decision in ***Malathi Das's*** case (supra), the petitioners therein were regularised subsequently, under the order dated 27.04.2015. Claiming similar benefit, which was extended to the petitioners in ***Malathi Das's*** case (supra), the petitioners approached this Court in the writ petitions, and the learned Single Judge, holding that the petitioners are also similarly situated persons as that of the petitioners in ***Malathi Das's*** case (supra), quashed the endorsement dated 02.08.2024 whereby the petitioner's request for regularisation was rejected, and further directed to consider the petitioners' case and to grant all consequential benefits.

8. Learned Principal Government Advocate for the appellants/respondents contended that the petitioners are not similarly situated persons as that of the petitioners in ***Malathi Das's*** case (supra). He submits that the petitioners were extended the benefit under Karnataka Daily Wage

¹ (2014) 13 SCC 249



Employees Welfare Act, 2012 (for short, 'the 2012 Act'). It is further submitted that, except the petitioner/respondent in W.A. No.100604/2015, all other petitioners, after their retirement, approached this Court for regularisation that too after having accepted all the benefits under the 2012 Act including gratuity amount of nearly Rs.5,00,000/-. Learned Additional Government Advocate would submit that the persons covered under **Malathi Das's** case (supra) were regularised in the year 2015, whereas the petitioners herein slept over their rights and only after their retirement approached this Court for regularisation. In that circumstance, learned Additional Government Advocate would submit that the petitioners would not be entitled to similar treatment as given to the petitioners in **Malathi Das's** case (supra). Learned Additional Government Advocate, in that regard, would place reliance on the decisions of the Hon'ble Apex Court in the case of **Bharat Sanchar Nigam Limited Vs. Ghanshyam Dass (2)**² and in

² (2011)4 SCC 374



the case of ***Chairman/Managing Director, Uttar Pradesh Power Corporation Limited and Others Vs. Ram Gopal***³.

9. Learned Additional Government Advocate would also submit that petitioners were fence sitters, and that the petitioners even failed to approach for regularization immediately after regularisation of the petitioners in ***Malathi Das's*** case (supra) under the order dated 27.04.2015. It is submitted that having received the gratuity in terms of the 2012 Act, it was not open for the petitioners to approach this Court in the above stated writ petitions. Thus, the learned AGA would pray for dismissal of the writ petitions by allowing the writ appeals.

10. Per contra, learned counsel Sri. Vijaykumar Balagerimath appearing for the petitioners would submit that the petitioners are similarly situated persons as that of the petitioners in ***Malathi Das's*** case (supra). Further, he submits that the petitioners were entitled to similar and identical treatment and the State having failed to extend similar benefit, the petitioners were constrained to approach

³ (2021) 13 SCC 225



this Court. Learned counsel, in that regard would place reliance on the decision of a Co-ordinate Bench of this Court in W.P. No.2220/2025, disposed of on 27.06.2025. It is his submission that similarly situated persons should not be driven to Court. Thus, he would submit that the learned Single Judge rightly directed consideration of the petitioners' request for regularisation. Thus, he would pray for dismissal of the writ appeals.

11. Having heard the learned counsels for the parties and on perusal of the entire writ appeal papers, the only point that falls for consideration is,

Whether the order of the learned Single Judge passed in the writ petitions requires interference at the hands of this Court?

12. The answer to the above point would be in the affirmative for the following reasons:

(a) The petitioners were before this Court questioning the endorsement dated 02.08.2024 whereunder the request of the petitioners for regularisation of their services on par with similarly situated persons was rejected. No doubt, the



petitioners are appointed as daily wage employees between 01.09.1984 and 01.06.1987. Their service particulars such as date of entry into service, date of considering them under the 2012 Act, date of their retirement, and gratuity amount paid to them is shown in the following tabular statement:

Sl No	Name of the Employee & Designation	Writ Appeal No.	Date of entry into service / Date of Retirement	Service consider as Daily wages Welfare Association	Gratuity Amount paid (in Rupees)
1	Sharanappa, Literate Assistant	100607 of 2025	01-06-1987 30-06-2023	13-02-2014	5,84,466.00
2	Shivappa, Watchmen	100610 of 2025	01-09-1984 30-06-2023	13-02-2014	4,96,539.00
3	Pallappa, Operator	100606 of 2025	01-09-1984 31-12-2022	13-02-2014	4,89,218.00
4	Devappa, Watchmen	100605 of 2025	01-09-1985 31-05-2023	13-02-2014	4,83,641.00
5	Eranna, Typist	100604 of 2025	01-10-1985 31-12-2024	13-02-2014	8,41,478.00
6	Nagappa, Soudi	100609 of 2025	01-12-1985 30-06-2023	13-02-2014	4,96,539.00
7	Virupakashappa, Soudi	100603 of 2025	01-09-1984 31-05-2024	13-02-2014	5,28,818.00

(b) The above statement would indicate that the petitioners retired in the years 2022, 2023 and 2024 respectively, as indicated above. On their retirement, they have received substantial amount towards gratuity which is not disputed by the learned counsel for the petitioners. It is also an



admitted fact that the petitioners were granted benefits to which they were entitled to under the 2012 Act. Section 4 of the 2012 Act provides for benefits such as pay, leave, terminal benefits, dearness allowance, house rent allowance, general holidays, casual leave, etc. The petitioners were granted such benefits from February, 2014 onwards, and the petitioners accepted such benefits without any protest or demur.

- (c) In terms of **Malathi Das's** case (supra), the petitioners therein were regularised under order dated 27.04.2015. It is the contention of the learned counsel for the petitioners that the petitioners in **Malathi Das's** case (supra) are juniors to the petitioners herein. However, we are not inclined to go into the question whether they were juniors or seniors to the petitioners in the present case. Though the petitioners in **Malathi Das's** case (supra) were regularised in the year 2015, the petitioners herein having accepted the benefit under the 2012 Act kept quiet and slept over their rights for more than ten years. The petitioners did not even submit representation till 2024 seeking regularisation. The



petitioners appear to have submitted a representation seeking regularisation only in June, 2024 that too after each one of them retired from service.

(d) Equity or equal treatment could be claimed if the respondent-authorities failed to extend the benefit, within a reasonable time. The Hon'ble Apex Court has made it clear that delay disentitles the parties to the discretionary relief under Article 32 or Article 226 of the Constitution of India. In the instant case also, the petitioners having slept over their rights for more than ten years and having accepted the benefit granted under the 2012 Act, disentitles them to the relief as sought in the writ petitions. The Hon'ble Apex Court in **BSNL's** case (supra), while examining the contention as to whether similar treatment should be extended to the persons who approached the Court subsequently, at paragraphs 24 to 28, has held as follows:

"24. There was, therefore, a clear direction in the judgment of this Court in K.I. Shephard that the excluded employees, who had not approached the Court, shall also be entitled to the same benefits as the petitioners in that case were entitled under the judgment of this Court. In the present case, as we have seen, the Central Administrative Tribunal has not directed in its order dated 7-7-1992 in Santosh Kapoor case that the



benefits of the order would also be extended to those who had not approached the Tribunal.

"25. The principle laid down in K.I. Shephard that it is not necessary for every person to approach the court for relief and it is the duty of the authority to extend the benefit of a concluded decision in all similar cases without driving every affected person to court to seek relief would apply only in the following circumstances:

(a) where the order is made in a petition filed in a representative capacity on behalf of all similarly situated employees;

(b) where the relief granted by the court is a declaratory relief which is intended to apply to all employees in a particular category, irrespective of whether they are parties to the litigation or not;

(c) where an order or rule of general application to employees is quashed without any condition or reservation that the relief is restricted to the petitioners before the court; and

(d) where the court expressly directs that the relief granted should be extended to those who have not approached the court.

26. On the other hand, where only the affected parties approach the court and relief is given to those parties, the fence-sitters who did not approach the court cannot claim that such relief should have been extended to them thereby upsetting or interfering with the rights which had accrued to others.



HC-KAR

NC: 2025:KHC-D:15466-DB
WA No. 100603 of 2025
C/W WA No. 100604 of 2025
AND 5 OTHERS

27. In *Jagdish Lal v. State of Haryana*, the appellants who were general candidates belatedly challenged the promotion of Scheduled Caste and Scheduled Tribe candidates on the basis of the decisions in *Ajit Singh Januja v. State of Punjab*, *Union of India v. Virpal Singh Chauhan* and *R.K. Sabharwal v. State of Punjab* and this Court refused to grant the relief saying: (*Jagdish Lal case*, SCC pp. 562-63, para 18)

"18. ... this Court has repeatedly held, the delay disentitles the party to the discretionary relief under Article 226 or Article 32 of the Constitution. It is not necessary to reiterate all the catena of precedents in this behalf. Suffice it to state that the appellants kept sleeping over their rights for long and elected to wake up when they had the impetus from *Virpal Chauhan* and *Ajit Singh* ratios. But *Virpal Chauhan* cases, kept at rest the promotion already made by that date, and declared them as valid; they were limited to the question of future promotions given by applying the rule of reservation to all the persons prior to the date of judgment in *Sabharwal* case which required to be examined in the light of the law laid in *Sabharwal* case. Thus earlier promotions cannot be reopened. Only those cases arising after that date would be examined in the light of the law laid down in *Sabharwal* case and *Virpal Chauhan* case and equally *Ajit Singh* case. If the candidate has already been further promoted to the higher echelons of service, his seniority is not open to be reviewed. In *A.B.S. Karamchari Sangh* case a Bench of two Judges to which two of us, K. Ramaswamy and G.B. Pattanaik, JJ. were members, had reiterated the above view and it was also held that all the prior promotions are not open to judicial review. In *Chander Pal v. State of Haryana* a Bench of two Judges consisting of S.C. Agrawal and G.T. Nanavati, JJ. considered the effect of *Virpal*



Chauhan, Ajit Singh, Sabharwal and A.B.S. Karamchari Sangh cases and held that the seniority of those respondents who had already retired or had been promoted to higher posts could not be disturbed. The seniority of the petitioner therein and the respondents who were holding the post in the same level or in the same cadre would be adjusted keeping in view the ratio in Virpal and Ajit Singh; but promotion, if any, had been given to any of them during the pendency of this writ petition was directed not to be disturbed."

28. Since the respondents preferred to sleep over their rights and approached the Central Administrative Tribunal only in 1997, they cannot get the benefit of the order dated 7-7-1992 of the Tribunal in Santosh Kapoor case and will only be entitled to the benefit of the Circular dated 13-12-1995 which was in force in 1997."

The Hon'ble Apex Court has observed that, to seek similar treatment, one should fulfill certain criteria mentioned in paragraph 25 of its judgment which is extracted above. On going through the decision of the Apex Court in **Malathi Das's** case (supra), it is seen that the direction issued by the Hon'ble Apex Court was only in respect of 74 persons who were respondents therein and it is not a general direction.

(e) The Hon'ble Apex Court in a subsequent decision in **Ram Gopal's** case (supra), has observed that, though limitation



does not strictly apply to proceedings under Articles 32 or 226 of the Constitution of India, nevertheless, such rights cannot be enforced after an unreasonable lapse of time. There is no explanation by the petitioners in approaching this Court after more than ten years and that too after attaining the age of superannuation. The learned Single Judge proceeded to grant relief only on the ground that the petitioners have been picked and chosen for a differential treatment which smacks arbitrariness on the part of the State. It is true that, pick and chose for a differential treatment to similarly situated persons would be arbitrary. However, if the persons, who seek similar treatment, sleep over their rights and approach the Court belatedly or with an inordinate delay, such persons would not be entitled for any relief.

13. Thus, we are of the considered view that the order passed by the learned Single Judge requires interference and hence the following:

ORDER

- (i) Writ appeals are allowed.



(ii) The order dated 20.01.2025 passed in Writ Petition No.106610/2024; the orders dated 31.01.2025 passed in W.P. No.106619/2024, W.P. No.106754/2024, W.P. No.106464/2024, W.P. No.106618/2024, W.P. No.107236/2024; and the order 17.02.2025 passed in W.P. No.106973/2024 are quashed and accordingly, the aforesaid writ petitions stand dismissed.

Pending interlocutory applications stand disposed of as not surviving for consideration.

Sd/-
(S G PANDIT)
JUDGE

Sd/-
(GEETHA K.B.)
JUDGE

KMS, CT:VP
LIST NO.: 1 SL NO.: 34