

petition, cannot be adjudicated upon.

The aforesaid views of mine, on the issue of denying of relief qua belated claims, get support from a recent judgment of this Court in the case of Satyabir and others vs. State of Haryana and others – C. W. P. No. 225 of 2015, decided on 08.01.2015, which was delivered after considering the entire law on the subject, by holding as under :-

“After hearing learned counsel for the petitioners and perusing the paper book, I do not find any merit in the submissions made. It is not in dispute that the services of the petitioners were regularised with effect from 29.7.2011 vide order dated 25.10.2011. As their services were regularised in the year 2011, they felt satisfied. However, after more than three years of regularisation of their services, they filed the present writ petition on 7.1.2015, claiming regularisation in terms of policies dated 28.7.1994 or 1.10.2003, which is highly belated.

The issue regarding delay in invoking extra-ordinary jurisdiction was considered by Hon'ble the Supreme Court in U. P. Jal Nigam and another v. Jaswant Singh and another, (2006) 11 SCC 464. It was a case in which certain employees raised the issue that they were not

liable to be retired at the age of 58 years but should be permitted to continue in service till they attain the age of 60 years. They were still in service when the writ petitions were filed. The writ petitions were ultimately allowed. Placing reliance upon that judgment, some of the employees, who already stood retired, filed writ petitions claiming same benefit. The writ petitions were allowed by the High Court in terms of its earlier judgment. The judgment of the High Court was impugned before Hon'ble the Supreme Court, wherein while referring to earlier judgments of Hon'ble the Supreme Court in *Rup Diamonds v. Union of India*, (1989) 2 SCC 356; *State of Karnataka v. S. M. Kotrayya*, (1996) 6 SCC 267; *Jagdish Lal v. State of Haryana*, (1997) 6 SCC 538 and *Government of West Bengal v. Tarun K. Roy*, (2004) 1 SCC 347, it was opined that the persons who approach the court at a belated stage placing reliance upon an order passed in some other case earlier, can be denied the discretionary relief on account of delay and laches. [Emphasis supplied]

“In a recent judgment in *State of*

Uttaranchal and another v. Sri Shiv Charan Singh Bhandari and others, 2013(6) SLR 629, Hon'ble the Supreme Court, while considering the issue regarding delay and laches and referring to earlier judgments on the issue, opined that repeated representations made will not keep the issues alive. A stale or a dead issue/dispute cannot be got revived even if such a representation has either been decided by the authority or got decided by getting a direction from the court as the issue regarding delay and laches is to be decided with reference to original cause of action and not with reference to any such order passed. Delay and 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, in a situation of that nature, will not be attracted as it is well known that law leans in favour of those who are alert and vigilant. Even equality has to be claimed at the right juncture and not on expiry of reasonable time. Even if there is no period prescribed for filing the writ petition under Article 226 of the Constitution of India, yet it should be filed within

a reasonable time. Such an order promoting a junior should normally be challenged within a period of six months or at the most in a year of such promotion. Though it is not a strict rule, the courts can always interfere even subsequent thereto, but relief to a person, who allows things to happen and then approach the court and puts forward a stale claim and try to unsettle settled matters, can certainly be refused on account of delay and laches. Any one who sleeps over his rights is bound to suffer. An employee who sleeps like Rip Van Winkle and got up from slumber at his own leisure, deserves to be denied the relief on account of delay and laches. [Emphasis supplied]”

In view of the above, the petitioner cannot be granted relief in view of the delay of over five years on his part.

Dismissed.

No costs.

(DEEPAK SIBAL)
JUDGE

December 22, 2015

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