

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.17891 of 2015

Date of decision: 27.8.2015

Paramjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Kriteka Sheokand, Advocate for the petitioner.

G.S.SANDHAWALIA, J, (Oral)

In the present writ petition, the order under challenge is dated 26.7.1999 (Annexure P/6). The appointment was made in the year 1995 for 89 days. The alleged regularization has been found to be against the instructions and the petitioner's services were dispensed with on 17.6.1996. He had approached this Court by way of Civil Writ Petition No.15062 of 1998 and an order dated 22.9.1998 (Annexure P/5) was passed to treat the petition as representation and decide the same which led to passing of the impugned order dated 26.7.1999 (Annexure P/6). The petitioner has slept over his right for more than 1-1/2 decade.

It is settled principle that law protects the ones who are vigilant and do not sleep over their rights.

Reference can be made to the judgment of the Hon'ble Apex Court in **Pundlik Jalam Patil (D) by LRs. vs. Exe. Eng. Jalgaon Medium Project and another, 2009 (1) PLR 128**. The relevant observations read as under:-

“14.....The applicant having set the machinery in motion cannot abandon it to resume it after number of years because the authority with whom it had entered into correspondence did not heed to its request to file appeals. The question is : Can the respondent/applicant in this case take advantage of its negligence, after lapse of number of years, of the decision of Government? It knew the exact grounds on which appeals could have been preferred. The law will presume that it knew of its right to file appeal against the award. Everybody is presumed to know law. It was its duty to prefer appeals before the court for consideration which it did not. There is no explanation forthcoming in this regard. The evidence on record suggest neglect of its own right for long time in preferring appeals. The court cannot enquire into belated and stale claims on the ground of

equity. Delay defeats equity. The court helps those who are vigilant and
'do not slumber over their rights.'

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18. Shri Mohta, learned senior counsel relying on the decision of this court in [N. Balakrishnan vs. M. Krishnamurthy](#) [(1998) 7 SCC 123] submitted that length of delay is no matter, acceptability of explanation is the only criterion. It was submitted that if the explanation offered does not smack of mala fides or it is not put forth as part of dilatory tactics the court must show utmost consideration to the suitor. The very said decision upon which reliance has been placed holds that the law of limitation fixes a life span for every legal remedy for the redress of the legal injury suffered. Unending period for launching the remedy may lead to unending uncertainty and consequential anarchy. The law of Limitation is thus founded on public policy. The decision does not lay down that a lethargic litigant can leisurely choose his own time in preferring appeal or application as the case may be. On the other hand, in the said judgment it is said that court should not forget the opposite party altogether. It is observed:

It is enshrined in the maxim interest reipublicae up sit finis litium
(it is for the general welfare that a period be put to litigation).
Rules of limitation are not meant to destroy the rights of the parties. They are meant to see that parties do not resort to dilatory tactics but seek their remedy promptly. The idea is that every legal remedy must be kept alive for a legislatively fixed period of time."

In view of the facts and circumstances noted above, this Court does not feel that it is a fit case where jurisdiction under Article 226 of the Constitution of India can be exercised.

Accordingly, the present writ petition is dismissed.

August 27, 2015
Pka

(G.S.SANDHAWALIA)
Judge