

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.3776 of 2013 (O&M)
Date of decision: 09.03.2015.**

Ram Phal Singh and others

..Petitioners

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. Chander Pal Tiwana, Advocate
for the petitioners.

Mr. Harish Rathee, Sr. D.A.G., Haryana
for the respondents – State.

Daya Chaudhary, J. (Oral)

Petitioners, namely, Ram Phal Singh, Karan Singh, Parmil Kumar and Raj Singh, have approached this Court by way of filing the present writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of impugned order dated 04.01.2013 (Annexure P-7) passed by respondent No.3, whereby, the claim for regularization of their services on completion of two years of service from the date of their appointment has been rejected.

Learned counsel for the petitioners submits that junior to

the petitioners have been regularized as per Policy of the year 1994 whereas the petitioners were regularized as per Policy of the year 1998. Learned counsel also submits that the petitioners were entitled for regularization as per Policy of the year 1994. Learned counsel for the petitioners has also relied upon Hon'ble Division Bench judgments of this Court in **Satbir Singh vs. State of Haryana, 2002(3) RSJ 38 and Jugal Kishore vs. State of Haryana and others, 2009(3) SCT 433** wherein it has been held that delay is irrelevant if some benefits have been granted to some other similarly situated employees.

Learned State counsel submits that the petitioners were regularized on completion of two years of their service as per Policy of the year 1998 and all benefits were granted to them. The petitioners accepted their claim in the year 1998 and it was never agitated. Now the present writ petition has been filed to claim the right with effect from 1994 instead of 1998.

The date of appointment as well as regularization of the petitioners have not been disputed by learned State counsel. The only grievance of the petitioners is that they were entitled for regularization as per regularization Policy of the year 1994 but their services were regularized as per regularization Policy of the year 1998. Other similarly situated employees were regularized on completion of two years of their service as per Policy of 1994.

Undoubtedly, the claim of regularization was accepted by the petitioners and all benefits were released to them as per Policy of

the year 1998. At that point of time, no grouse was raised by the petitioners. The present petition has been filed to claim benefits of regularization as per Policy of the year 1994. The Policy of the year 1994 was withdrawn and subsequently, another Policy of 1998 came into existence and services of the petitioners were regularized and all benefits have been granted to them. The petitioners are not entitled for regularization with effect from 1994 as they have already been regularized as per Policy of 1998. No reason whatsoever has been given to explain delay.

In **State of Orissa vs. Pyarimohan Samantaray, (1977) 3 SCC 396**, Hon'ble the Supreme Court has held that making of repeated representations is not a satisfactory explanation of delay. This principle was also reiterated in **State of Orissa vs. Arun Kumar Patnaik, (1976) 3 SCC 579**.

Similarly in **Bharat Sanchar Nigam Limited vs. Ghanshyam Dass (2) and others, (2011) 4 SCC 374**, a three-Judge Bench of Hon'ble the Apex Court reiterated the principle stated in **Jagdish Lal vs. State of Haryana, (1977) 6 SCC 538** 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 passed in the year 1992.

Hon'ble the Apex Court in **State of Tamil Nadu vs. Seshachalam, (2007) 10 SCC 137**, while testing the equality clause on the bedrock of delay and laches pertaining to grant of service

benefit, has ruled as under: -

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

Hon'ble the Supreme Court in **New Delhi Municipal Council vs. Pan Singh and others, (2007) 9 SCC 278** has held that thought 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 said case, the respondents filed writ petition after a delay of 17 years and explained certain factors but the judgment passed by the High Court was set-aside while exercising the discretionary jurisdiction.

Simply by stating that others have been regularized as per Policy of 1994 and the services of the petitioners have been regularized as per Policy of 1998, would not entitle them to be regularized as per Policy of the year 1994. The petitioners should have raised this grievance at that point of time but they remained

silent.

No ground is made out to interfere in the matter.

Dismissed.

09.03.2015
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(DAYA CHAUDHARY)
JUDGE