

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

**CWP No. 27118 of 2017  
DECIDED ON: DECEMBER 05, 2017**

**MAN SINGH**

**.....PETITIONER**

**VERSUS**

**STATE OF HARYANA & OTHERS**

**.....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE JASPAL SINGH**

Present:    Mr. Surinder Gaur, Advocate  
                 for the petitioner.

**\*\*\*\*\***

**JASPAL SINGH, J (ORAL)**

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought for the issuance of writ in the nature of mandamus directing the respondents to grant him the benefit of additional increments on completion of 8/18 years of service in Group 'C' and thereafter, refix his pay and to revise his pension and also to release all the arrears of revised pay and pension along-with interest 18% per annum.

2.            Undisputably, petitioner joined the police department as Constable on July 22, 1964. He stood retired on attaining the age of superannuation on July 31, 2004 and seeking the afore-said relief, he approached this Court in the

month of November 2017.

3. Apparently, there is a delay and laches on the part of petitioner in approaching the Court, which for approximately of one and half decade. There is no explanation what to talk of any plausible explanation for not taking up the matter and filing of such petition earlier. Thus, petitioner is guilty of long delay and laches which is suggestive of the fact that he is deemed to have acquiesced or waived off his claim or right. Such a relief cannot be claimed ignoring the long and unexplained delay simply because, it is a continuing cause.

4. In case **Jagdish Lal v. State of Haryana, 1998(1) SCT 26 (SC) : (1997) 6 SCC 538**, the Hon'ble Apex Court observed that if a person chose to sit over the matter and woke up after the decision of Court, then such person cannot stand to benefit. In that case, it was observed as follows:-

*“The delay disentitles a party to discretionary relief under Article 226 or Article 32 of the Constitution. The appellants kept sleeping over their rights for long and woke up when they had the impetus from Vir Pal Singh Chauhan case. The appellants’ desperate attempt to redo the seniority is not amenable to judicial review at this belated stage.”*

5. In another identical matter captioned as **Union of India & others vs. C.K. Dharagupta & others, 1992(2) SCT 117 (SC) : (1997) 3 SCC 395**, it was observed as under:-

*“We, however, clarify that in view of our finding that the judgment of the Tribunal in R.P. Joshi gives relief only to Joshi, the benefit of the said judgment of the Tribunal cannot be extended to any other person. The respondent C.K. Dharagupta*

*(since retired) is seeking benefit of Joshi case. In view of our finding that the benefit of the judgment of the Tribunal dated 17.-3-1987 could only be given to Joshi and nobody else, even Dharagupta is not entitled to any relief.”*

6. Similarly, in **Brijesh Kumar and others vs. State of Haryana and others, 2014 (11) SCC 351**, the Hon’ble Supreme Court has laid down various principles in which law of limitation has legally to be construed. While relying upon the judgment in case of **Esha Bhattacharjee vs. Raghunathpur Nafar Academy & others, 2013(4) RCR (Civil) 785**, the Hon’ble Apex Court principles regarding delay and laches were laid down which can be summarized as under:-

*“XXXXXXXX*

*(v) Lack of bonafides imputable to a party seeking condonation of delay is a significant and relevant fact.*

*(vi) The concept of liberal approach has to encapsule the conception of reasonableness and it cannot be allowed a totally unfettered free play.*

*XXXXXXXX*

*(ix) The conduct, behavior and attitude of a party relating to its inaction or negligence are relevant factors to be taken into consideration. It is so as the fundamental principle is that the courts are required to weigh the scale of balance of justice in respect of both parties and the said principle cannot be given a total go by in the name of liberal approach.”*

7. No doubt, a perusal of the aforesaid observation depicts that there is an increasing tendency to perceive delay as a non-serious matter. Yet this, apathetic tendency exhibited in a nonchalant manner requires to be curbed.

8. In view of the legal position discussed above, on the basis of various authoritative pronouncements of the Hon'ble Apex Court, it can be safely observed that instant petition suffers from delay and latches especially in the circumstances that the petitioner slept over the matter for a considerable number of years from the date of accrual of cause of action without any reasonable cause

9. In the light of what has been discussed above and in view of the authoritative pronouncements, referred to above, instant petition being devoid of merits is dismissed.

**DECEMBER 05, 2017**  
**sham**

**(JASPAL SINGH)**  
**JUDGE**

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |