

CWP No. 27216 of 2017

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

**Civil Writ Petition No. 27216 of 2017
DECIDED ON: November 30, 2017**

GURMEET KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB & OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Satbir Gill, Advocate, for the petitioner.

JASPAL SINGH, J (ORAL)

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought for the issuance of writ particularly in the nature of Mandamus directing the respondents to grant deemed regularization of services of her husband in terms of regularization policy (P-1) and further grant her family pension treating her husband as a regular employee and also appointment on compassionate ground and further to release her family pension during the pendency of this writ petition with all consequential benefits and also to decide the legal notice dated July 10, 2017 (P-6).

2. Concededly, husband of the petitioner was appointed as Petrol Man on 01.07.1988 in Public Health Division (now converted as Water Supply and Sanitation), Rural Water Supply Division, Sri Mukatsar Sahib. His case was recommended for regularization of his services in terms of the Policy dated

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23.01.2001 and his name figures at Sr. No.8 of the list recommended for regularization. Unfortunately, husband of the petitioner died on 18.03.2003 while on duty and for seeking the afore-said relief, she approached this Court in the month of November, 2017.

3. Apparently, there is a considerable delay on the part of petitioner in approaching the Court. There is no explanation furnished by her for not taking up the matter and filing of such petition earlier. As such, she is guilty of long delay and laches which is suggestive of the fact that she is deemed to have acquiesced or waived off her claim or right. Such a relief can neither be claimed or granted by ignoring a 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. It is also equally settled that the law of limitation has legally to be construed especially in the circumstances that a right is accrued to the party opposite on account of delay which is attributed to the other party and said right cannot be scuttled down by taking a lenient view. Otherwise also, a party who

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approaches the Court is under a bounden duty to explain the delay in approaching the Court for a particular relief or to lay challenge to a specific order to which he/she aggrieved. To buttress this observation, we can have the reference made by the Hon'ble Apex Court in case ***Brijesh Kumar and others vs. State of Haryana and others, 2014 (11) SCC 351 and Esha Bhattacharjee vs. Raghunathpur Nafar Academy & others, 2013(4) RCR (Civil) 785.***

6. 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.

7. 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 laches 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

8. 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.

9. No order as to costs.

November 30, 2017

Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No