

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.11910 of 1998

Date of Decision: 06.08.2018

Subhash

... Petitioner

Versus

Haryana State Electricity Board
and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ashwani Bakshi, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Advocate,
for the respondents.

RAJIV NARAIN RAINA, J.(Oral)

1. The reasons why I would dismiss this petition are two-fold. Firstly, the petitioner was not a party to litigation in *Prem Parkash and others v. HSEB* and Secondly, the petition suffers from delay and laches.

2. The brief relevant facts are as follows: The petitioner worked for the erstwhile Haryana State Electricity Board as a daily wage employee. His services were terminated on June 21, 1989 along with 76 other daily wage workers. Forty three workers, of the 77 workers approached this Court in CWP No.238 of 1992, *Prem Parkash and others v. HSEB*. The petitioner did not join the proceedings. The petition was allowed vide order dated September 16, 1992 directing the Board to re-employ the petitioning workers in terms of the scheme offered by the Board in the Supreme Court by calling 1/3rd employees according to their seniority and finally adjusting all the retrenched employees by June 30, 1992. This was as per the

directions of the Supreme Court in SLP No.15207 of 1990 decided on April 09, 1991 in case titled *Haryana State Electricity Board v. Jasbir Singh and others* (judgment text at Annex P-2).

3. The petitioner made a representation for the first time on October 09, 1996 which was rejected on June 04, 1998 on the ground that the petitioner was not a party to *Prem Parkash* case and that is how this petition was brought in July 1998 praying for reinstatement on termination effected in 1989 and staked his claim after a period of more than eight years. The impugned order was passed as per directions of this Court to decide the representation within a time bound period. The Board has rejected the representation also on the ground that the memorial/request suffers from delay and laches.

4. Not only does the petition suffer from obvious delay and laches but is also hit by the second principle indicated in the Supreme Court judgment in State of U.P.& Ors vs Arvind Kumar Srivastava & Ors., (2015) 1 SCC 347 that leaves the petitioner appearing as a fence-sitter. Ordinarily in service law, relief granted to one set of employees should be granted to similarly situated employees but this principle has its limitations in waiver and acquiescence setting in where aggrieved person has not approached Court for relief then he must be taken to have slumbered and made his claim stale and dead and, therefore, the discretionary jurisdiction under Article 226 of the Constitution may not be invoked in his favour after such a long lapse of time. Then, the petitioner should not be heard to say that he was wrongfully terminated from service many years ago.

5. Besides, after passage of two decades granting relief to the

petitioner would be out of the question when the petitioner has slept over his rights.

6. Accordingly, I do not find any legal infirmity in the impugned order declining the representation on the twin grounds recorded therein and would dismiss this petition by long delay and unexplained laches.

(RAJIV NARAIN RAINA)
JUDGE

06.08.2018
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No