

CWP No. 16509 of 2018

-1 -

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

**CWP No. 16509 of 2018
DECIDED ON: July 12, 2018**

DAMODAR LAL MANGLA

.....PETITIONER

VERSUS

HARYANA VIDYUT PARSARAN NIGAM LIMITED AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Shvetanshu Goel, Advocate,
for the petitioner.

JASPAL SINGH, J (ORAL)

Petitioner-Damodar Lal Mangla preferred instant writ petition, under Articles 226/227 of the Constitution of India, seeking issuance of an appropriate writ, direction or order in the nature of Mandamus, directing the respondents to grant the deemed date of promotion to the respective post of CDM to him from the date when Junior Reserved category candidate namely B.D. Ambar was given promotion and re-fix/step up of his pay accordingly WITH FURTHER grant the benefit of SE scale w.e.f. 01.03.1997 after relaxation in service of one month out of 12 year service with further revision of pension and pensionary

CWP No. 16509 of 2018

-2 -

benefits and release the entire benefits together with interest.

2. Undisputably, petitioner stood retired on 31.01.1997 on attaining the age of superannuation. Thereafter, till date petitioner did not opt to approach either concerned authorities or the Court but except only on July, 2018 by way of filing of instant petition. Thus, there is a considerable delay on the part of the petitioner in approaching the Court. There is no explanation furnished by him for not taking up the matter and filing of such petition earlier. As such, he 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 can neither be claimed or granted by ignoring a long and unexplained delay simply because, it is a continuing cause.

3. By now it is pretty settled proposition of law that the delay disentitles a party to discretionary relief under Article 226 or Article 32 of the Constitution. Petitioner kept sleeping over his rights for long and woke up after two decades. To buttress this observation we can have assistance conveniently from the guideline laid down by the Hon'ble Apex Court in case **Jagdish Lal v. State of Haryana, 1998(1) SCT 26 (SC) : (1997) 6 SCC 538.**

4. 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 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

CWP No. 16509 of 2018

-3 -

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.*

5. Thus, in view of the facts and circumstances narrated above and the legal proposition, 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.

6. 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.

7. No order as to costs.

July 12, 2018
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No