

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

**CWP No. 18605 of 2018
DECIDED ON: JULY 30, 2018**

KARAN SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA & OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jagbir Malik, 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 the quashing of impugned order dated 27.12.2000 (P-2) passed by respondent No.3 whereby, the petitioner was terminated from service without taking into consideration his long service of more than 20 years with further prayer for issuance of a direction to respondents to treat him as compulsory retired and to release his terminal benefits i.e. gratuity, leave encashment and commutation of pension along-with interest @18% per annum.

2.

Undisputably, there is a considerable delay on the part of the

petitioner in approaching the Court. Petitioner did not opt to approach the authorities or the Court either on the day when impugned order was passed i.e. 27.12.2000 (P-2) or thereafter. In fact, he approached this Court only on 26.07.2018 by way of filing of instant petition after 18 years of the passing of the impugned order. 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.

3. In an identical matter captioned as **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 choose to sit over the matter and woke up after the decision of Court, then such person cannot stand to benefit.

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 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. Adverting to the facts of the case in hand, cause of action, if any, would have accrued to the petitioner on the date of his retirement, whereas he approached this Court in the month of July, 2018, that too, without any explanation.

6. 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

7. 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.

8. No order as to costs.

JULY 30, 2018
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(JASPAL SINGH)
JUDGE

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