

CWP No. 7928 of 2018
DECIDED ON: April 02, 2018

DARSHAN SINGH

.....PETITIONER

VERSUS

**THE CHAIRMAN-CUM-MANAGING DIRECTOR, PUNJAB STATE
POWER CORPORATION LIMITED AND OTHERS**

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Karan Singla, Advocate,
for the petitioner.

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JASPAL SINGH, J (ORAL)

By virtue of the instant writ petition, preferred under Article 226 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of mandamus directing the respondents to decide the representation/legal notice dated 12.02.2018 (P-6) and direct the respondents to grant the benefit of promotional increment to him, in view of circulars dated 23.04.1990 (P-1), dated 18.11.2011 (P-4) and especially in view of the judgments passed by this Court in CWP No.28141 of 2014, decided on 12.12.2017, CWP No.11585 of 2016, decided on 02.06.2016 and CWP No.20139 of 2015, decided on

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29.02.2016 (P-5 colly) consequent to which various orders passed by the respondent corporation by which the benefit of 23 years promotional increment has already been granted to the similarly situated employees.

2. Undisputably, petitioner stood retired on 30.09.2007 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 March, 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 approximately twenty years & six months. 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

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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.*

5. In the case in hand, cause of action, if any, would have accrued to the petitioner in the year 1997, whereas he approached this Court in the month of March, 2018, i.e. approximately after 20 years and 6 months 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.

APRIL 02, 2018

Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No