

106.

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP-18131-2022

Date of Decision: 31.08.2022

JASBIR SINGH

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Harpal Singh Sirohi, Advocate,
for the petitioner.

JAISHREE THAKUR.J (Oral)

The instant writ petition has been filed with an innocuous prayer that the service of the petitioner as Constable be considered from 16.12.1994, the day when sanction was accorded for enlistment of the petitioner under priority list, for his service and pensionary benefits.

The case of the petitioner, as pleaded, is that the Director General of Police, Punjab had accorded sanction under Rule 12.15 of the Punjab Police Rules for enlistment of the petitioner as a Constable Operator in Wireless Wing of the Punjab Police under priority list vide memorandum No.35057/E-3, dated 16.12.1994, however, he was not offered the necessary appointment. It was only on 14.02.2005 that appointment was offered and he was enlisted as a Constable.

Counsel appearing on behalf of the petitioner would urge that the petitioner is entitled for grant of seniority from 16.12.1994 when his

name had been recommended. In this regard, he had approached the DGP, Punjab vide representation dated 21.10.2021 and also served a legal notice dated 14.01.2022 in this regard, but no action has been taken thereon till date.

At this stage, learned counsel for the petitioner would also urge that the petitioner had also submitted a representation in the year 2019, however, the verbal assertion is not supported by any document.

I have heard counsel for the petitioner and propose to dispose of this petition in limine.

The grievance of the petitioner is that he was enlisted as a Constable in the year 2005 i.e. after a period of 11 years from 16.12.1994 when he was accorded sanction for enlistment as Constable. Due to the delay caused, he has been deprived of the service and pensionary benefits.

Admittedly, the petitioner was enlisted as a Constable in the year 2005. For his alleged grievance, he approached respondent No.2 in the year 2019 (as per verbal assertions), meaning thereby he sat over the matter for 14 years. Thereafter, he served representation on 21.10.2021 and legal notice on 14.01.2022, again after a considerable time.

The law is well settled now that one has to be vigilant enough regarding his rights. The doctrine of 'Delay or Laches' is an equitable doctrine. It is based on the maxim "Vigilantibus non dormientius aequitas subvenit" which means equity aids the vigilant and not the ones who sleep over their rights. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. Even if there is no

period prescribed for filing the writ petition under Article 226 of the Constitution of India, yet it should be filed within a reasonable time.

In view of above, this Court does not find any ground to entertain the instant writ petition. Consequently, the writ petition is dismissed.

(JAISHREE THAKUR)
JUDGE

31.08.2022

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No