

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-25489-2023

Date of decision: 11.01.2024

ATTAR SINGH

...PETITIONER

Vs.

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ram Bhati, Advocate for
Mr. Harpreet Singh Jakhal, Advocate
for the petitioner.

Mr. Inderpreet Singh Kang, AAG, Punjab.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to the respondents to grant the benefit of promotional increment(s) along with consequential benefits to the petitioner, as per notification dated 14.09.1983 (Annexure P-8).

2. The sole grievance raised by the petitioner is to grant him retrospective/*ante* dated benefits of promotional increment(s) along with all consequential benefits, as per notification dated 14.09.1983 (Annexure P-8).

3. The petitioner retired in the year 2000 but the present petition has been preferred in 2023. The petitioner is seeking promotional increment as per notification dated 14.09.1983 (Annexure P-8) i.e. almost after 34 years, therefore, the case of the petitioner is hit by doctrine of delay and laches.

4. No hard-and-fast rule can be laid down as to when the High Court should refuse to exercise its jurisdiction in favour of a party who moves it after considerable delay and is otherwise guilty of laches. Discretion must be

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exercised judiciously and reasonably. In the event that the claim made by the applicant is legally sustainable, delay should be condoned. Where illegality is manifest, it cannot be sustained on the sole ground of laches. When substantial justice and technical considerations are pitted against each other, the cause of substantial justice deserves to be preferred. State cannot deprive vested right because of a non-deliberate delay.

5. A Division Bench of this Court vide judgment dated 04.04.2018 in ***Kartar Singh v. Managing Director, HVPNL and others, CWP No.26962 of 2015***, after noticing various judgments of Apex Court has dismissed similar petition on the ground that writ petition has been filed after a long time from the date of retirement.

6. A Coordinate Bench of this Court vide order dated 03.05.2015 in ***Sandeep Kharab v. State of Haryana and others, CWP No.5965 of 2011***; order dated 04.09.2012 in ***Bal Krishan v. State of Punjab and others, CWP No.18498 of 2011*** and order 29.11.2012 in ***Tarsem Pal v. Punjab State Power Corporation Limited and others, CWP No.13965 of 2010*** has dismissed petitions on the ground that writ jurisdiction cannot be invoked at the will and convenience of the litigant. Anyone who claims rights must be vigilant and he must enforce his rights within reasonable time.

7. In the case in hand, the petitioner retired in the year 2000. He opted to remain silent during his service as well post retirement. There is no plausible explanation of delay of 23 years even from the date of retirement. By his act and conduct, the petitioner acquiesced to the action of the respondents and waived off his right, if any.

8. In the wake of judgments of this Court and considering inordinate delay on the part of petitioner, this Court does not find it appropriate to invoke

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its extra-ordinary writ jurisdiction. The present petition deserves to be dismissed and accordingly dismissed.

11.01.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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