

2025:PHHC:057859



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

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CWP-12085-2025

Date of Decision: 01.05.2025

SUNIL KUMAR

... Petitioner

VERSUS

INDIAN BANK THROUGH ITS GENERAL MANAGER & ORS.

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Satvir Singh, Advocate for the petitioner.

Mr. Gaurav Goel, Advocate for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing the respondents to consider and appoint the petitioner on compassionate basis on account of death of his father Shri Charanji Lal.

Learned counsel contends that Charanji Lal- father of the petitioner had joined services of Allahabad Bank (now Indian Bank) as Part Time Sweeper (PTS) on 29.09.1998. Counsel further contends that the father of the petitioner died in harness on 29.08.2011 and that an application was submitted by the petitioner with the respondent-Authority on 05.09.2011 for compassionate appointment.

Undisputedly, there is lack of any initiative or action taken by the petitioner since 05.09.2011 and the first representation for grant of compassionate appointment is stated to have been submitted thereafter by way of a legal notice dated 02.04.2025.

I find that there is an inordinate and unexplained delay of more than 13½ years in seeking re-initiation of a stale cause. In the absence of any satisfactory explanation about the reasons which impeded the petitioner from approaching the Court at the first instance, the writ jurisdiction, which is barred by delay and laches could not be invoked and the present writ petition cannot be entertained at this belated stage. It has been held by the Hon'ble Supreme Court in a catena of judgments that notwithstanding the law of limitation not being applicable to the writ jurisdiction, however, the same cannot be construed that the law of limitation and the limitation prescribed thereunder have to be ignored in its entirety. Even though the satisfactory explanation in terms of Article 226 of Constitution of India does not mean every day's delay, however, in subsistence, a satisfactory explanation is still required to be furnished about the surrounding circumstances which prevented the petitioner/litigant from approaching a Court of law. The present writ petition fails to refer to any such compelling circumstances apart from a mere submission that the petitioner awaited the response from the respondents. The said explanation cannot be said to be satisfactory or conforming to the parameters of satisfaction explanation.

The instant writ petition is accordingly dismissed on account of delay and laches and being an attempt to revive a stale cause.

MAY 01, 2025.

Rajender

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No