



CWP-13447-2025

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

CWP-13447-2025

Date of Decision: 12.05.2025

ROHTASH AND OTHERS

..... Petitioners

*Versus***STATE OF HARYANA AND OTHERS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Deepak Grover, Advocate
for the petitioners.

Ms. Rajni Gupta, Addl. AG, Haryana and as
Advocate for Respondents No.2 and 3.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to respondents to reinstate them.

2. The petitioners claim that they were engaged through an outsource agency as Safari Karamcharis. They preferred representation dated 04.08.2022 (Annexure P-2) to Deputy Municipal Commissioner, Palwal with a request not to terminate them, however, they came to be terminated. The State Government vide letter dated 19.11.2020 (Annexure P-3) has instructed all the Departments, Boards and Corporations of the State Government to ensure that new workers in place of old workers are not deputed by outsource agency where employees are engaged under Outsource Policy Part-I. The petitioners

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served legal notice dated 12.03.2025 (Annexure P-4) upon the respondent but to no avail.

3. The services of petitioners were dispensed with in October' 2022. They were engaged through outsource agency. The said agency is not impleaded as respondent. The petitioners are claiming that they should not be replaced by another set of employees.

4. Learned counsel for the petitioners submits that petitioners were terminated in October' 2022 and respondent is attempting to appoint another set of employees which is bad in the eye of law. This practice is also contrary to instructions issued by the State Government.

5. On being asked, learned counsel for the petitioner expressed his inability to advance any plausible reason for the delay.

6. 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 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.

7. The petitioners were terminated in October' 2022. A period of almost three years has passed away. At this stage, this Court

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8. Dismissed.

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Yes/No
Yes/No