



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
225

CWP-9137-2018 (O&M)
Date of decision: 20.08.2025

Kuldip Rai

....Petitioner

Versus

The Punjab State Power Corporation Limited and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pankaj Sharma, Advocate
for the petitioner.

Mr. Sehajbir Singh, Advocate
with Ms. Karishma Sharma, Advocate
and Ms. Muskan Gill, Advocate
for the respondents.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the order dated 11.05.2015 (Annexure P-6) passed by respondent No.2 vide which the suspension period of the petitioner from 15.03.1997 to 24.06.1999 (Annexure P-6) has been treated as leave of the kind due in place of duty period. Further a writ of mandamus has been sought, directing the respondents to treat the suspension period of the petitioner from 15.03.1997 to 24.06.1999 as duty period in place of leave of the kind due. Further prayer has been made to direct the respondents to release the amount of suspension period of the petitioner from 15.03.1997 to 24.06.1999 by treating the



same as duty period along with 18% rate of interest from the date it became due towards the petitioner.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was arrested on 15.03.1997 on account of registration of FIR No.10 dated 11.03.1996, under Sections 379 and 411 IPC at Police Station Khemkaran and on account of his arrest, he was suspended on 26.05.1997. He was reinstated in service on 21.05.1999 (Annexure P-2) and joined on 24.06.1999. The petitioner earned an honourable acquittal on 05.10.2011 as discernible from the judgment rendered by learned Additional Sessions Judge, Amritsar. Once the petitioner has earned the honourable acquittal, the suspension period of the petitioner is required to be treated as period spent on duty. The petitioner approached the respondent No.2 on 06.01.2014 for treating the suspension period as period spent on duty on account of his acquittal in criminal case. The claim of the petitioner was required to be considered and allowed in terms of Rule 7.3 of the Punjab Civil Services Rules, Volume I, Part I, Chapter VII (in short 'the PCSR'), however, the same was denied on 11.05.2015 (Annexure P-6). In the written statement, reliance on Rule 7.3 of the PCSR, was made which is the amended rule and the same is not applicable in the case of the present petitioner as the amendment was carried out in the year 2007.

3. *Per contra*, learned counsel for the respondent/Corporation submits that the case of the petitioner was considered in terms of the applicable Rules. The suspension period of the petitioner was treated as



leave of the kind due. While doing so, the period from 15.03.1997 to 24.06.1997 (period of 41 days) was considered as leave with pay. The period from 25.04.1997 to 25.10.1997 (period of 184 days) was considered as period of leave with half pay. Further the period from 26.10.1997 to 24.06.1999 (period of 607 days) was considered as extraordinary leave. Further the reliance placed by the petitioner on Rule 7.3 of PCSR is totally misplaced. The respondent/Corporation is an autonomous body, which has incorporated its own Rules. The Punjab Civil Services Rules, which are contrary to the Main Service Regulation of 1972 (in short 'the MSR, 1972'), cannot be applied to an employee of the respondent/Corporation. Further the petitioner was acquitted on 05.10.2001 and he has made a claim at a belated stage only in the year 2014. As such, on the ground of delay and laches, the petitioner is not entitled to any relief.

4. Having heard learned counsel for the parties and after perusal of the record, it transpires that the respondent/Corporation has its own set of Rules and Chapter VII of the MSR, 1972, deals with dismissal, removal, suspension and resignation. The impugned order was passed in terms of Rule 7.3(2) of MSR, 1972 and the said Rule, reads as follows:-

7.3 (1) When a Board employee, who has been dismissed, removed, compulsorily retired or suspended, is reinstated, or would have been reinstated but for his retirement on superannuation while under suspension, the authority



competent to order the reinstatement shall consider and make a specific order -

(a) regarding the pay and allowances to be paid to the Board employee for the period of his absence from duty, or for the period of suspension ending with the date of his retirement on superannuation, as the case may be; and

(b) whether or not the said period shall be treated as a period spent on duty.

(2) Where the authority mentioned in sub-regulation (1) is of opinion that the Board employee has been fully exonerated or, in the case of suspension, that it was wholly unjustified, the Board employee shall be given the full pay and allowances to which he would have been entitled, had he not been dismissed, removed, compulsorily retired or suspended, as the case may.

5. Further the petitioner has made a representation for treating his suspension period as a period spent on duty after a delay of 13 years for which no explanation is forthcoming. Even the impugned order (Annexure P-6) was passed on 11.05.2015 and the instant writ petition was filed only on 04.04.2018.

6. It is trite law that the delay in approaching this Court under Article 226 of the Constitution of India may be condoned if sufficient cause is indicated or a reasonable explanation is provided for the same. However, the facts of the matter at hand indicate otherwise. Learned counsel petitioner has failed to specify any compelling or extenuating circumstance which prevented him from approaching this Court for such a long time. Reference in this regard may be made to the judgment



rendered by a three-Judge Bench of the Hon'ble Supreme Court in *Chairman/Managing Director, U.P. Power Corporation Limited and Others vs. Ram Gopal (2021) 13 SCC 225*, wherein, the following was held:

“16. Whilst it is true that limitation does not strictly apply to proceedings under Articles 32 or 226 of the Constitution of India, nevertheless, such rights cannot be enforced after an unreasonable lapse of time. Consideration of unexplained delays and inordinate laches would always be relevant in writ actions, and writ courts naturally ought to be reluctant in exercising their discretionary jurisdiction to protect those who have slept over wrongs and allowed illegalities to fester. Fence-sitters cannot be allowed to barge into Courts and cry for their rights at their convenience, and vigilant citizens ought not to be treated alike with mere opportunists. On multiple occasions, it has been restated that there are implicit limitations of time within which writ remedies can be enforced. In *SS Balu v. State of Kerala*, this Court observed thus:

“17. It is also well settled principle of law that "delay defeats equity". It is now a trite law that where the writ petitioner approaches the High Court after a long delay, reliefs prayed for may be denied to them on the ground of delay and laches irrespective of the fact that they are similarly situated to the other candidates who obtain the benefit of the judgment.”” (emphasis added)

7. Further, in *Mrinmoy Maity vs. Chhanda Koley and others 2024 AIR SC 2717*, the Hon'ble Supreme Court has categorically observed that the High Courts must factor in the delay, while exercising its discretionary powers under Article 226 of the Constitution of India. It was further opined that undue and unexplained delay may be reason enough to dismiss a petition as indolent litigants ought not to be encouraged by writ Courts.



8. In view of the discussion above, this Court does not find it appropriate to invoke its extraordinary writ jurisdiction under Article 226 of the Constitution of India. Accordingly, the present petition stands dismissed.

(HARPREET SINGH BRAR)
JUDGE

20.08.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No