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

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**CWP-21041-2025 (O&M).
Date of Decision: 25.07.2025.**

DINA NATH SHARMA

... Petitioner(s)

Versus

THE STATE OF HARYANA

... Respondent(s)

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

Present: Mr. Jayoti Parshad Sharma, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Seeking setting aside of the order dated 17.05.2018 (Annexure P-3) and directing the respondent to re-fix the pension of the petitioner by granting increment w.e.f. 01.07.2017, the instant writ petition has been filed.

2 Learned counsel appearing on behalf of the petitioner contends that the petitioner joined as a Gram Sachiv under the respondent in the year 1978 and thereafter was promoted as Social Education and Panchayat Officer on 10.03.2010. The petitioner was given the current duty charge for the post of

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Block Development and Panchayat Officer and to which regular promotion order was issued on 30.01.2015. He superannuated from the Department on 31.08.2017. He contends that vide impugned order dated 17.05.2018, the respondent Department has withdrawn the benefit of the increment that was given to the petitioner on the premise that the petitioner failed to clear the departmental examination which was required to be passed within a period of two years from the date of promotion as Block Development and Panchayat Officer. He contends that the petitioner was never informed of the necessity of having to pass the departmental examination as the said departmental examination has not been held.

3 I have heard the learned counsel appearing for the petitioner and have gone through the documents appended along with the present petition.

4 It is undisputed that the impugned order was passed on 17.05.2018. It is further not in dispute that a legal notice was sent by the by petitioner on 19.05.2018, thereby signifying that the petitioner was fully aware of the cause of action as early as in May 2018. Despite such knowledge, no steps were taken to pursue available legal remedies within a reasonable period of time. The present writ petition has been instituted only after a lapse of more than 7 years from the date of the impugned action.

5 There is not even a semblance of justification or explanation furnished by the petitioner for this inordinate delay. It is well settled in law that unexplained and prolonged inaction on the part of a litigant disentitles him to equitable relief under Article 226 of the constitution of India. I am of the Considered opinion that Courts exercising writ jurisdiction are duty

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bound to exercise such discretion with circumspection and judicial prudence and must refrain from entertaining stale claims. The doctrine of delay and laches is not to be viewed as a mere technical impediment; rather, it is anchored in the equitable principles of fairness, justice and public interest. It serves as a necessary safeguard against indolence on the part of the litigants and guards against the revival of claims that have been consciously abandoned or slept upon for an unreasonably long duration. Belated claims without proper explanation not only over burdens the judicial system but also threatens legal certainty and good governance.

6 The Hon'ble Supreme Court in a catena of judgments has held that in cases, where the delay is unexplained and inordinate, the writ petition is liable to be dismissed solely on the ground of delay and laches. Writ Courts are not expected to extend indulgence to indolent litigants who seek to benefit from their own inaction. In the case of **Mrinmoy Maity v. Chhanda Koley & Others reported as 2024 SCC Online SC 551**, Hon'ble the Apex Court observed as under:

“9. An applicant who approaches the court belatedly or in other words sleeps over his rights for a considerable period of time, wakes up from his deep slumber ought not to be granted the extraordinary relief by the writ courts. This Court time and again has held that delay defeats equity. Delay or laches is one of the factors which should be born in mind by the High Court while exercising discretionary powers under Article 226 of the Constitution of India. In a given case, the High Court may refuse to invoke its extraordinary powers if laxity on the part of the

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applicant to assert his right has allowed the cause of action to drift away and attempts are made subsequently to rekindle the lapsed cause of action.”

7 In the present case, the petitioner having remained passive for over 7 years despite being aware of the impugned order, cannot now seek extraordinary jurisdiction of this Court at his own convenience. The instant claim at this stage is thus barred by delay and laches and is liable to be dismissed on this ground alone.

8 The present writ petition is thus dismissed.

July 25, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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