



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

118

CWP-23312-2025 (O&M)
Date of decision: 12.08.2025

Darshan Singh

....Petitioner

Versus

Punjab State Power Corporation Limited and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Chander Shekhar Singhal, Advocate
for the petitioner.

Mr. Akash Vashisth, 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 inquiry report (Annexure P-2) and the impugned order dated 17.09.2015 (Annexure P-3) passed by respondent No.2 whereby one annual increment of the petitioner has been stopped with future effect. Further prayer has been made to set-aside the impugned order dated 05.02.2016 (Annexure P-5), passed by respondent No.2 whereby the appeal of the petitioner has been dismissed by respondent No.2. Moreover a writ of mandamus has been sought, directing the respondents to restore the increment withheld with all consequential benefits.



2. Learned counsel for the petitioner, inter alia, contends that the petitioner was working with the respondent/Corporation on the post of Assistant Junior Engineer (AJE). The act and conduct of the petitioner remained satisfactory, however, a charge-sheet was issued to him on 18.04.2013 with the allegations of negligence. The negligence was not attributable to the petitioner as it fall under the jurisdiction of one Amar Singh, Lineman, who is responsible for the said negligence whereas the petitioner has been made an scapegoat. After issuance of the charge-sheet, inquiry was conducted against the petitioner without affording him adequate opportunity of hearing. The inquiry officer concluded the inquiry, without considering the reply filed by the petitioner and submitted its inquiry report (Annexure P-2) and thereafter, an order of punishment was passed on 17.09.2015, without affording any personal hearing to the petitioner. Aggrieved by the order of punishment, the petitioner filed an appeal before respondent No.3, however, the same was decided by respondent No.2, who has acted beyond his jurisdiction, without considering anything contained in the grounds of appeal. Thereafter, the petitioner retired from service on 30.04.2021, on attaining the age of superannuation. Learned counsel for the petitioner submits that the impugned orders are not sustainable in the eyes of law as the same have been passed against the principles of natural justice.

3. On the other hand, learned counsel for the respondent/Corporation submits that the claim of the petitioner cannot



be considered after a lapse of 09 years. The writ petition has been filed at such a belated stage and thus, the same is required to be dismissed.

4. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

5. 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 the petitioner 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)

6. 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.

7. 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

12.08.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No