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

CWP-24742-2025

Date of Decision : **24.09.2025**

AVTAR SINGH AND OTHERS

.....Petitioners

VERSUS

UNION OF INDIA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Raj Kaushik, Advocate,
for the petitioner.

KULDEEP TIWARI. J.(Oral)

1. Through the instant writ petition filed under Article 226/227 of the Constitution of India, a prayer is made for issuance of a *mandamus* upon respondents to divert contributions made by the petitioners to the Employees Pension Scheme 1995 w.e.f. 16.11.1995 on the basis of actual wages drawn etc. without any upper cap with regard to the petitioners and then grant the arrears @ 18% per annum, in view of the settled law laid down by this High Court and the Hon'ble Supreme Court.
2. This Court vide order 02.09.2025, this Court had passed the hereinafter extracted order:-

“1. The learned counsel for the petitioners seeks an adjournment, thereby enabling him to address arguments as to how, after 35 years of the cause of action having accrued and especially when most of the petitioners retired 30 years ago, the instant writ petition is maintainable.

2. List on 24.09.2025.”



3. Learned counsel for the petitioners, instead of filing an additional affidavit, for explaining the reasons for such huge delay in approaching this Court, has made submission only to the extent that some of the employees were granted relief by this Court in the year 2020-21, therefore, the delay would not come in the way of the petitioners. Further, the Union of India, on their behalf had also made a request in the year 2018, therefore, filing petition in the year 2025, may not be considered as delay. He further submits that since the petitioners have served legal notice, therefore, the delay would not come in their way. He also submits that it is an established law that in case of a dispute with regard to pension, the delay is not a legal impediment.

4. This Court has carefully considered the submissions made by the learned counsel for the petitioners at length, and finds that, far from assigning any plausible reason, no reason whatsoever has been provided in the petition to justify the delay. The only justification offered for filing the instant petition at such a belated stage is that some similarly situated employees had earlier approached this Court, and were granted the relief sought by them. This submission is untenable. Those who were vigilant in asserting their rights were rightly granted relief, but the petitioners, who remained dormant for nearly 35 years, and even after their retirement, have only now approached this Court, after a delay of approximately 10 years. Such inordinate delay cannot be condoned.



5. At this juncture, it is noteworthy to record that with the efflux of time, the law of limitation has evolved considerably, and it has been accepted that it may harshly affect a particular party, but it has to be applied with all its rigours. The Court shall not use its powers to extend the limitation on equitable grounds. The provisions of the Limitation Act may not be liberally construed, which will frustrate its very purpose. The Court has to adopt a pragmatic and rational approach, while dealing with the contention of delay. The Court has to delve into the issue, as to whether, the delay has been validly explained, and only thereafter, shall arrive at a decision, which, otherwise has attained finality.

6. The Hon'ble Supreme Court, through a pronouncement in N. Balakrishnan v. M. Krishnamurthy AIR 1998 SC 3222, while putting in a narrow compass, interprets that the law of limitation is founded on public policy. It is enshrined in the maxim *reipublicae interest ut sits finis litium* (it is for the general welfare that a period be put to litigation). Further, the rules of limitations are not meant to destroy the rights of the parties, but to ensure that parties do not resort to dilatory tactics and avail their remedy promptly. The relevant observations are as under:-

“Rules of limitations are not meant to destroy the rights of parties. They are meant to see that parties do not resort to dilatory tactics, but seek their remedy promptly. The object of providing a legal remedy is to repair the damage caused by reason of legal injury. The law of limitation fixes a life-span for such legal remedy for the redress of the legal injury so suffered. Time is precious and wasted time would never revisit. During the efflux of time, newer causes would sprout up necessitating newer



person to seek legal remedy by approaching the courts. So a time span must be fixed for each remedy. Unending period for launching the remedy may lead to unending uncertainty and consequential anarchy. The law of limitation is thus founded on public policy. It is enshrined in the maxim reipublicae interest ut sits finis litium (it is for the general welfare that a period be put to litigation). Rules of limitations are not meant to destroy the rights of the parties. They are meant to see that parties do not resort to dilatory tactics but seek their remedy promptly. The idea is that every legal remedy must be kept alive for a legislatively fixed period of time."

7. Apparently, the petition at hand is not only suffering from gross and inordinate delay, but the petitioner has also failed to explain the valid reasons, which restrained him from assailing the award all these years. It is a settled proposition that delay defeats equity, and a person who approaches the Court belatedly, or sleeps over his rights for a considerable period of time, is not entitled to invoke the writ jurisdiction to claim extraordinary relief. This issue has already been examined by the Hon'ble Supreme Court in "Mrinmoy Maity Vs. Chhanda Koley and Ors.", 2024 LiveLaw (SC) 318., wherein, it has observed:-

"12. It is apposite to take note of the dicta laid down by this Court in Karnataka Power Corporation Ltd. and another v. K. Thangappan and another, (2006) 4 SCC 322 whereunder it has been held that the High Court may refuse to exercise extraordinary jurisdiction if there is negligence or omissions on the part of the applicant to assert his right. It has been further held thereunder:



“6. Delay or laches is one of the factors which is to be borne in mind by the High Court when they exercise their discretionary powers under [Article 226](#) of the Constitution. In an appropriate case the High Court may refuse to invoke its extraordinary powers if there is such negligence or omission on the part of the applicant to assert his right as taken in conjunction with the lapse of time and other circumstances, causes prejudice to the opposite party. Even where fundamental right is involved the matter is still within the discretion of the Court as pointed out in [Durga Prashad v. Chief Controller of Imports and Exports](#) [(1969) 1 SCC 185 : AIR 1970 SC 769] . Of course, the discretion has to be exercised judicially and reasonably.

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8. Likewise, in **“Bichitrananda Behera Vs. State of Orissa and Ors.”, 2023 AIR Supreme Court 5064**, the Hon’ble Supreme Court has held that delay and latches, especially in service matters, are vital, juxtaposed with the sign of acquiescence. The relevant paragraph is extracted hereunder:-

“20. On an overall circumspection, thus, in the present case the Respondent No.5 should have been non-suited on the ground of delay and laches, which especially in service matters, has been held consistently to be vital, juxtaposed with the sign of acquiescence. To the mix, we add that the State has supported the factual circumstances concerning the appointment of the appellant, his continuance in service as also the Respondent No.5 having worked during the said period in another school viz. the Sri Thakur



Nigamananda High School, Terundia. Notably, the Respondent No.5 does not, from the record before us, appear to have approached the authorities in the interregnum.”

9. In conspectus of the path-breaking pronouncements (*supra*), on the subject of Law of Limitation, it is crystal clear that the matter at hand is not clothed with any extra-ordinary circumstance, which can persuade this Court to take a view otherwise.

10. *In summa*, since the averments set out in the petition do not constitute a sufficient cause to condone the delay. Therefore, the instant writ petition is hereby, **dismissed**.

September 24, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No