

2025:PHHC:174823-DB



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

**LPA-2395-2024 (O&M)  
Date of Decision :12.12.2025**

**DAKSHIN HARYANA BIJLI VITRAN NIGAM LIMITED AND ANR  
....APPELLANTS**

**Vs**

**RAJINDER KUMAR CHAUHAN AND ORS .....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA  
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present : Mr. Deepak Balyan, Advocate,  
for the appellants.

Respondent No.1 in person.

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**ROHIT KAPOOR, J.**

**CM-5803-LPA-2024**

For the reasons stated in the application, which is duly supported with an affidavit, the delay of 138 days in filing the present appeal is condoned.

**LPA-2395-2024 (O&M)**

1. Present appeal has been filed against the decision of the learned Single Judge dated 02.09.2023 passed in CWP-8916-2013, whereby the writ petition filed by respondent No.1-petitioner, (*hereinafter referred to as 'respondent-writ petitioner'*) has been partially allowed and the orders denying him promotion and other consequential benefits have been set aside.

Further directions have been passed for grant of all consequential benefits/promotions of Public Relations Officer from 12.02.1983 and Chief Public Relations Officer from 19.02.2001 alongwith consequential arrears. Interest has also been awarded @ 6% per annum from the due date till actual realization.

Prayer in the petition filed by respondent-writ petitioner was for quashing of orders dated 26.10.1982, 26.08.1987, 04.11.1987, 19.02.2001, 23.03.2001, 09.02.2006, 12.03.2007 and 13.04.2007, whereby promotion and other benefits were granted to one Shri Dharampal Dhull, respondent No. 5 in the writ petition (*hereinafter referred to as the 'private respondent'*), on the alleged ground that he was not holding the essential qualification from the recognized University. Further prayer was made seeking directions for grant of due benefit of promotion to the respondent-writ petitioner as Public Relations Officer from 12.02.1983 and Chief Public Relations Officer from 19.02.2001.

2. Essential facts required to be noticed for the adjudication of the present appeal are that the respondent-writ petitioner was appointed as 'Film Projector Operator' in the Public Relations Unit of the erstwhile Haryana State Electricity Board on 19.08.1982. As per the averments in the petition, the dispute arose when the private respondent was posted as Public Relations Officer at Panipat vide order dated 26.10.1982, allegedly with a view to give him undue benefits with ulterior motives. Various allegations of *mala fide* have been made in the petition regarding grant of undue benefits to the private respondent, vide the impugned orders. It is alleged that the respondent-writ petitioner came to know about the backdoor promotion of

the private respondent, when he joined in the Public Relations Unit at Hisar, as the reporting Officer of the petitioner. It transpires that the respondent-writ petitioner improved his qualification by getting a post-graduate diploma in Journalism from Rajasthan University, Jaipur on 12.02.1983, while private respondent got a post-graduate public relations diploma from Bhartiya Vidya Bhawan Dayanand College of Communication and Management, Chandigarh on 05.11.1982. It was alleged that the said institute was not a recognized University and therefore, no benefit could have been granted in pursuance to any qualification obtained from such institute. Advertisement dated 09.05.1983 was published for the post of Public Relations Officer in HSEB and the respondent-writ petitioner is stated to have applied in pursuance thereto, however, it is alleged that with a view to favour the private respondent, the post was deliberately not filled up. Subsequently, after the successor Haryana Vidyut Prasaran Nigam was split in the year 1999, the post of Film Projector Operator was redesignated as Publicity Supervisor and the respondent-writ petitioner was posted in the Public Relations Cell of the Dakshin Haryana Bijli Vitran Nigam Ltd.

3. It is the case of the respondent-writ petitioner that he sent several representations, including representation dated 24.02.2002 (Annexure P-20) against the illegal benefits granted to the private respondent and the arbitrary manner in which his right to be promoted was ignored, however, no action was taken thereupon. The private respondent was promoted to the post of Manager, Public Relations, from the post of PRO vide order dated 19.02.2001. The said post was redesignated as Deputy General Manager, Public Relations in 2006, and as Chief Communication

Officer in 2007. The post of PRO was abolished. It is claimed that with a view to discourage the petitioner from pursuing his claim, he was harassed by recording adverse remarks in his ACRs and was also issued two charge-sheets vide order dated 15.09.2003 and 09.09.2004, whereby two annual increments were stopped without future effect, vide order dated 01.03.2005. He was also censured vide order dated 22.07.2005.

4. The respondent-writ petitioner gave yet another representation dated 20.06.2012 to the Chief Secretary, Haryana, which was forwarded to the Financial Commissioner-Principal Secretary, Department of Power, vide letter dated 06.07.2012. Admittedly, the petitioner retired on attaining the age of superannuation on 31.10.2012. He was granted the benefit of 3<sup>rd</sup> ACP w.e.f. 01.10.2012 vide office order dated 26.10.2012, on having completed 30 years of regular satisfactory service. Several legal notices, including legal notice dated 17.11.2009 (Annexure P-28) are claimed to have been served upon the authorities, however, it is alleged that the same were not accorded consideration. It was under these circumstances that the petitioner approached the Writ Court by filing the aforementioned writ petition for grant of relief, as mentioned hereinabove.

5. The learned Single Judge after noticing the rival contentions, partly allowed the petition, by making the following observations:-

*“(7). Heard learned counsel for the parties and gone through the record.*

*(8). The petitioner was denied all the promotions during service though according to his counsel, he was eligible and qualified but respondent No.5 who is not qualified has been promoted as Chief Communication Officer and the ground for denial of promotional benefit to the petitioner is that the qualification acquired from Bhartiya Vidhya Bhawan Dayanand College of Communication and Management, Chandigarh has not been recognized as is evident from letter dated 30.12.1983 (Annexure P9). The said letter mentions that personal pay*

*shall be given to those employees who improve their qualifications from a recognized university and since the respondent No.5 has improved his qualification from an unrecognized university, he is not covered under govt. instructions.*

*(9). At this stage, it will be appetite (sic) to reproduce the following averments made by the respondents No. 2 to 5 in their written statement:-*

*That the contents of the Para No. 11 of the writ petition are wrong and denied. It is submitted that respondent No.5 Sh. D.P. Dhull was in possession of requisite qualification for the appointment of Publicity Supervisor on 19.10.1978. Further, when respondent No. 5 was granted regular scale as PRO w.e.f. 04.11.1982 vide erstwhile HSEB office order No. 602 dated 04.11.1987 (Annexure-P-5) he was in possession of requisite qualification for the post of Public Relation Officer. It is further submitted that the Bhartiya Vidhya Bhawan Dayanand College of Communication and Management, Chandigarh is a recognized institution and its certificates are valid for recruitment & promotion. So far as the matter regarding letter dated 30.12.1983 of Government of Haryana (Annexure-P-9) is concerned, it is submitted that only those employees who improve their qualification from recognized university are eligible for personal pay. In other words, the employees who improve their qualification from a recognized University instead of recognized institution will be eligible for the benefit of personal pay only. Besides this, it is submitted that respondent No. 2 i.e. erstwhile Haryana State Electricity Board was fully competent for recruitment and promotions of its employees being an autonomous body and having its own recruitment system and its own recruitment and promotion rules & regulations, procedure and process.*

*(Emphasis applied)*

*(10). A perusal of the above would show that Bhartiya Vidhya Bhawan Dayanand College of Communication and Management, Chandigarh has been considered as a recognized institution and its certificates are valid for recruitment & promotion and that only those employees who improve their qualification from recognized university are eligible for personal pay. In other words, the employees who improve their qualification from a recognized University instead of recognized institution will be eligible for the benefit of personal pay only.*

*(11). In so far as the qualification of respondent No.5 is concerned, no order is required to be passed inasmuch as respondent No.5 - Sh. D.P. Dhull was found to be in possession of requisite qualification for the appointment of Publicity Supervisor on 19.10.1978 and at the time when respondent No. 5 was granted regular scale as PRO w.e.f. 04.11.1982 vide erstwhile HSEB office order No. 602 dated 04.11.1987 (Annexure-P-5), he was in possession of requisite qualification for the post of Public Relation Officer. Therefore, the prayer of the petitioner for setting aside the promotion of the respondent No.5 cannot be accepted and hence rejected.*

*(12). As regards the petitioner, in the present case, the promotion and other consequential benefits has been denied to the petitioner having been rendered as ineligible on account of not possessing certificate from a valid University and the respondent No.5 having acquired his qualification from Bhartiya Vidhya Bhawan Dayanand College of Communication and Management, Chandigarh has been considered as a recognized institution and its certificates are valid for recruitment & promotion, there is no ground left for the respondents to deny the petitioner all the consequential benefits/promotion.*

*(13). Accordingly, this writ petition is allowed in part and the order(s) denying promotion and other consequential benefits to the petitioner is/are set aside as the qualification of petitioner acquired from Rajasthan University, Jaipur has been considered as a recognized institution and its certificates are valid for recruitment & promotion.”*

6. Learned counsel appearing on behalf of the Appellants at the very outset assails the judgement passed by the learned Single Judge on the ground that the claim of the respondent-petitioner has erroneously been entertained after a lapse of more than 30 years and the specific objection regarding maintainability of the petition, has been ignored. It is further contended that the decision of the learned Single Judge suffers from the vice of non-application of mind to the relevant facts involved in the matter, wherein, the material brought on record clearly shows that the conduct of the petitioner was not above board and that as per the recruitment and promotional policy, the senior most Film Projector Operator/Publicity Coordinator is entitled for the scale equivalent to that of Publicity Supervisor, which has already been given. Our attention has been drawn to the recruitment and promotional policy of the erstwhile HSEB, which is on record, wherein there is no channel of promotion from the post of Film Projector Operator to the post of Public Relations Officer, which was subsequently redesignated as Manager-Public Relations. It is argued that the respondent- writ petitioner was given all the benefits as per the said policy

including three ACP's, by taking a lenient view despite the fact that his conduct had not been upto expectations.

7. It is further argued that the learned Single Judge has failed to take into consideration that respondent-petitioner was guilty of gross misconduct of forging a document and getting it signed fraudulently from the Chief Engineer (Admn. And HR), DHBVN, Hisar, by placing the document in between some other document. There were serious doubts regarding his LLB degree (Annexure R-21), which he obtained from the College in Rajasthan while attending his office at Hisar, even though he never availed any earned leave during the period from 1987 to 1990 for availing the degree, although, 75% attendance was necessary for the same. It is urged that the respondent-petitioner claimed to have got his LLB degree as a regular candidate, while drawing salary from the then HSEB and marking his attendance at Public Relations Office, HSEB, Hisar, yet a lenient view was taken. In view of the said facts, which were duly proved by the material available on record, the respondent-petitioner is not entitled for the benefits granted to him vide the impugned judgment and order.

8. *Per contra*, respondent-writ petitioner, who has appeared in person, has reiterated the allegations of *mala fide* as contained in the writ petition. The main thrust of his arguments is regarding the illegal benefits granted in favour of the private respondent. It is submitted that the decision of the learned Single Judge granting the benefit of promotion as Public Relations Officer and Chief Public Relations Officer alongwith consequential benefits and arrears/interest etc. is as per settled principles of

law, justice and equity. All allegations regarding veracity of the qualification/degree acquired by the respondent-writ petitioner, have been vehemently denied.

9. On the question of delay and latches, the argument of the respondent-writ petitioner is that no delay can be attributed to him, since he had regularly been making representations and the cause of action arose on 26.10.2012, when an order allowing him the third ACP was passed declaring his thirty years' service, as regular and satisfactory. It is further submitted that the recurring cause of action in service matters is never time barred and that the respondent-writ petitioner suffered utter discrimination and exploitation throughout his service, which was admitted in the noting dated 31.05.2011 of the Managing Director of DHBVN, who in pursuance to the representation of the petitioner had observed that the matter is unduly delayed and the Financial Commissioner-Principal Secretary, was requested to hear the matter. It is lastly urged that in view of the undisputed fact that the respondent-writ petitioner was assigned Public Relations duties which were found to be regular and satisfactory, therefore, the learned Single Judge rightly granted the relief to the petitioner. Prayer is made for dismissal of the Appeal on the ground that the same is devoid of any merit.

10. We have heard learned counsel for the appellants and the respondent-writ petitioner, who has appeared in person, and have gone through the material available on record.

11. As is apparent from the findings returned by the learned Single Judge, the challenge to the impugned orders granting promotion and other benefits to the private respondent was not accepted. Respondent-writ



petitioner has not challenged this part of the order, passed by the learned Single Judge, by filing any appeal. Therefore, the allegations/arguments of the respondent-writ petitioner as regards the alleged illegal benefits granted to the said private respondent, cannot be examined. As regards all other arguments regarding the correctness of the decision passed by learned Single Judge on merits of the matter are concerned, we do not wish to delve into the same, since, we find force in the preliminary argument raised by learned counsel for the appellants, that the petition was barred by delay and laches and could not have been entertained by the Writ Court, at such a belated stage.

12. Law regarding delay and laches is well settled. In the case of **'Eastern Coalfields Ltd. v. Dugal Kumar', (2008) 14 SCC 295**, the Hon'ble Supreme Court, *inter alia*, observed as under:-

*“24. As to delay and laches on the part of the writ petitioner, there is substance in the argument of learned counsel for the appellant Company. It is well settled that under Article 226 of the Constitution, the power of a High Court to issue an appropriate writ, order or direction is discretionary. One of the grounds to refuse relief by a writ court is that the petitioner is guilty of delay and laches. It is imperative, where the petitioner invokes extraordinary remedy under Article 226 of the Constitution, that he should come to the court at the earliest reasonably possible opportunity. Inordinate delay in making the motion for a writ is indeed an adequate ground for refusing to exercise discretion in favour of the applicant.”*

13. In **'Union of India v. N. Murugesan', (2022) 2 SCC 25**, the Supreme Court has observed that a neglect on the part of the party to do an act which law requires, must stand in his way for getting the relief or remedy. The Court laid down two essential factors i.e, first, the length of the

delay and second, the developments during the intervening period. Delay in availing the remedy would amount to waiver of such right. Relevant observations from the judgment are extracted as under:-

*“20. The principles governing delay, laches, and acquiescence are overlapping and interconnected on many occasions. However, they have their distinct characters and distinct elements. One can say that delay is the genus to which laches and acquiescence are species. Similarly, laches might be called a genus to a species by name acquiescence. However, there may be a case where acquiescence is involved, but not laches. These principles are common law principles, and perhaps one could identify that these principles find place in various statutes which restrict the period of limitation and create non-consideration of condonation in certain circumstances. They are bound to be applied by way of practice requiring prudence of the court than of a strict application of law. The underlying principle governing these concepts would be one of estoppel. The question of prejudice is also an important issue to be taken note of by the court.*

*21. The word “laches” is derived from the French language meaning “remissness and slackness”. It thus involves unreasonable delay or negligence in pursuing a claim involving an equitable relief while causing prejudice to the other party. It is neglect on the part of a party to do an act which law requires while asserting a right, and therefore, must stand in the way of the party getting relief or remedy.*

*22. Two essential factors to be seen are the length of the delay and the nature of acts done during the interval. As stated, it would also involve acquiescence on the part of the party approaching the court apart from the change in position in the interregnum. Therefore, it would be unjustifiable for a Court of Equity to confer a remedy on a party who knocks its doors when his acts would indicate a waiver of such a right. By his conduct, he has put the other party in a particular position, and therefore, it would be unreasonable to facilitate a challenge before the court. Thus, a man responsible for his conduct on equity is not expected to be allowed to avail a remedy.”*

14. In a recent judgment of the Supreme Court in the case of **‘Mrinmoy Maity Vs. Chhanda Koley and others’, 2024 SCC OnLine SC**

**551**, it has been held that the High Court ought to dismiss a petition on the ground of delay and laches when there is no explanation of delay. An applicant who approaches the Court belatedly, or in other words sleeps over his rights for a considerable period, ought not to be granted the extraordinary relief, by writ Courts. Delay defeats equity. The High Court may refuse to invoke its writ jurisdiction if laxity on the part of applicant has allowed the cause of action to drift away and attempts are made to rekindle the lapsed cause of action. Repeated representations would not extend the period of limitation or create a fresh cause of action. The relevant extracts from the judgment are reproduced as under:-

*“9. Having heard rival contentions raised and on perusal of the facts obtained in the present case, we are of the considered view that writ petitioner ought to have been nonsuited or in other words writ petition ought to have been dismissed on the ground of delay and laches itself. 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 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.*

*10. The discretion to be exercised would be with care and caution. If the delay which has occasioned in approaching the writ court is explained which would appeal to the conscience of the court, in such circumstances it cannot be gainsaid by the contesting party that for all times to come the delay is not to be condoned. There may be myriad circumstances which gives rise to the invoking of the extraordinary jurisdiction and it all depends on facts and circumstances of each case, same cannot be described in a straight jacket formula with mathematical*

*precision. The ultimate discretion to be exercised by the writ court depends upon the facts that it has to travel or the terrain in which the facts have travelled.*

*11. For filing of a writ petition, there is no doubt that no fixed period of limitation is prescribed. However, when the extraordinary jurisdiction of the writ court is invoked, it has to be seen as to whether within a reasonable time same has been invoked and even submitting of memorials would not revive the dead cause of action or resurrect the cause of action which has had a natural death. In such circumstances on the ground of delay and latches alone, the appeal ought to be dismissed or the applicant ought to be non-suited. If it is found that the writ petitioner is guilty of delay and latches, the High Court ought to dismiss the petition on that sole ground itself, in as much as the writ courts are not to indulge in permitting such indolent litigant to take advantage of his own wrong. It is true that there cannot be any waiver of fundamental right but while exercising discretionary jurisdiction under Article 226, the High Court will have to necessarily take into consideration the delay and latches on the part of the applicant in approaching a writ court.”*

15. In the case in hand, respondent-writ petitioner was admittedly aware of the impugned orders and has even sent representations/communications, including representation dated 24.02.2002 (Annexure P-20), when he was in service. He filed the writ petition after his retirement on 31.10.2012. We are unable to accept the submission of respondent-writ petitioner that the cause of action was a recurring one or that the a fresh cause of action arose to him after the passing of the order dated 26.10.2012, when he was granted his 3<sup>rd</sup> ACP, on completion of thirty years of regular service. Careful perusal of the facts involved would show that the grouse of the respondent-writ petitioner was that while undue benefits were granted to the private respondent, his claim for promotion as Public Relations Officer and Chief Public Relations Officer, was ignored. Other than making repeated representations, no steps were taken by the respondent-writ petitioner to invoke his legal remedies in this regard for

more than three decades and it was only after his retirement that he filed a writ petition belatedly. In such circumstances, we are of the considered opinion that the petition filed by respondent-writ petitioner suffered from the vice of delay and laches and could not have been entertained, on this ground alone.

16. In that view of the matter, the present appeal is allowed. The judgment and order dated 02.09.2023 passed by the learned Single Judge, is set aside and the writ petition filed by respondent-writ petitioner is dismissed.

17. Pending application(s), if any, shall stand disposed of accordingly.

(ASHWANI KUMAR MISHRA)  
JUDGE

(ROHIT KAPOOR)  
JUDGE

12.12.2025.  
*smriti*

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