

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

126

CWP-27704-2025
DECIDED ON:17.09.2025

INDERJIT SINGH

...PETITIONER

VERSUS

UNION OF INDIA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Deepak Arora, Advocate
for the petitioner

Mr. R.C. Sharma, Advocate for respondents

SANDEEP MOUDGIL, J

1. Prayer

The petitioner has invoked the jurisdiction of this Court under Articles 226/227 of the Constitution of India seeking issuance of a writ of *certioari* to set aside the action of the respondents whereby his services were dispensed with and another contractual employee was engaged in his place. The further relief claimed is for his reinstatement on the post of Cleaner-cum-Sweeper along with consequential benefits of continuity in service and full back wages.

2. Brief Facts

The petitioner was engaged on 05.04.2012 as a Cleaner-cum-Sweeper on contractual basis with the respondent authorities and continued to work till 2019. According to him, at the time of engagement, there was an assurance that his services would be regularized after a few years, though no written appointment letter was ever issued. The petitioner was paid regularly during his tenure and performed his duties without any complaint. In 2019, his

services were discontinued and another contractual employee was engaged in his place. The petitioner made representations for his reinstatement and regularization but no action was taken. Aggrieved, he has approached this Court in August, 2025, with the present petition.

3. **Contentions**

On behalf of Petitioner

Learned counsel for the petitioner contends that the petitioner had been working with the respondents since 05.04.2012 on the post of Cleaner-cum-Sweeper and had continuously discharged his duties till the year 2019, without any complaint or break in service. It is urged that the respondents had assured the petitioner that his services would be regularized after a few years, yet instead of considering him for regular absorption, they chose to terminate his services arbitrarily and replaced him with another contractual employee, which is impermissible in law.

Counsel further submits that the law is well settled by the Supreme Court as well as this Court that one contractual employee cannot be substituted by another contractual employee merely to deny the former the benefit of regularization, placing reliance on the supreme court judgement in ***“Hargurpartap Singh vs State Of Punjab (2007) 13 SCC 292”***

It is also contended that the petitioner, having worked for more than five years with the respondents, had acquired a legitimate expectation of continuity in service and of being considered for regular appointment against available vacancies and abruptly discontinuing petitioner's services is not only arbitrary but unjust.

On behalf of Respondents

Learned counsel for the respondent submits at the very outset that the petition is hopelessly barred by delay and laches. The petitioner's services were discontinued in 2019, yet he has approached this Court only in August,

2025, after an inordinate lapse of more than six years. Such stale claims cannot be entertained in writ jurisdiction.

It is further argued that after the petitioner's disengagement, the respondents have already engaged another person on contractual basis, thereby creating third party rights. Any direction for reinstatement now would unsettle such rights and cause serious administrative prejudice.

On merits, counsel submits that the petitioner was engaged purely on a contractual basis, without any selection process, no appointment letter was ever issued and there was no promise of regularization. The claim of "assurance" is vague and unsubstantiated. Moreover, contractual or temporary employees cannot claim regularization as a matter of right.

Contradicting the reliance placed by the petitioner on *Hargurpartap Singh's case(supra)*, he submits that the judgment was rendered in different factual circumstances where the petitioners had approached the Court promptly whereas in the present case, the long delay and creation of third-party rights make any such relief wholly untenable.

4. Analysis

Having heard learned counsel for both parties and upon perusal of the material place on record, this Court is of the opinion that no interference is warranted in exercise of writ jurisdiction under Articles 226/227 of the Constitution of India.

The admitted facts reveal that the petitioner was engaged on contractual basis in April, 2012 and his services were discontinued in 2019. However, the present civil writ petition has been instituted only in August, 2025, i.e., after an inordinate delay of more than six years. It is trite law that a

litigant who sleeps over his rights cannot invoke the discretionary and equitable jurisdiction of this Court after such a long lapse of time.

Guidance may be drawn from the Supreme Court in “***State of M.P. v. Nandlal Jaiswal, (1986) 4 SCC 566***”, wherein it was categorically held that where a person approaches the Court after long delay, relief may justly be declined on the ground of laches, especially when third party rights have intervened. Relevant extract of the same is as below:

“24. Now, it is well settled that the power of the High Court to issue an appropriate writ under Article 226 of the Constitution is discretionary and the High Court in the exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction. The evolution of this rule of laches or delay is premised upon a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy under the writ jurisdiction because it is likely to cause confusion and public inconvenience and bring in its train new injustices. The rights of third parties may intervene and if the writ jurisdiction is exercised on a writ petition filed after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. When the writ jurisdiction of the High Court is invoked, unexplained delay coupled with the creation of third party rights in the meanwhile is an important factor which always weighs with the High Court in deciding whether or not to exercise such jurisdiction.”

Similarly, the Apex Court in the case of “***Karnataka Power Corpn. Ltd. v. K. Thangappan reported in (2006) 4 SCC 322***” has held as under :

“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. Of course, the discretion has to be exercised judicially and reasonably.”

Further, discussing the third party rights accrued during the period of delay, it is apposite to place reliance on “***City and Industrial Development Corpn. v. Dosu Aardeshir Bhiwandiwalla (2009) 1 SCC 168***” wherein the Supreme Court has opined that :

"26. One of the grounds for refusing relief is that the person approaching the High Court is guilty of unexplained delay and the laches. Inordinate delay in moving the court for a writ is an adequate ground for refusing a writ. The principle is that the courts exercising public law jurisdiction do not encourage agitation of stale claims and exhuming matters where the rights of third parties may have accrued in the interregnum."

From the aforesaid pronouncement of law, it is manifest that a litigant who invokes the jurisdiction of a court for a claim, it is obligatory on his part to come to the court at the earliest or at least within a reasonable span of time. The belated approach is impermissible as in the meantime interest of third parties gets ripened and further interference after enormous delay is likely to usher in a state of anarchy.

In the present case, the petitioner has not furnished any satisfactory explanation for approaching this Court belatedly. On the contrary, it is evident that after his disengagement in 2019, the respondents have engaged another contractual employee in his place. Thus, third party rights stand created which cannot be unsettled now after the passage of eight years. The writ Court, exercising equitable jurisdiction, will not pass directions that disturb settled positions and prejudice persons who are not even before the Court.

The reliance placed by the petitioner on ***Hargurpartap Singh's case(supra)*** is misplaced as that ruling does not dilute the settled doctrine that delay and laches bar discretionary relief, nor can it override the ratio laid

down in “*Secretary, State Of Karnataka And vs Umadevi And Others (2006) 4 SCC 1*”, that contractual employees do not acquire a right of regularization.

Thus, having regard to the admitted factual chronology and the authoritative pronouncements of the Supreme Court, this Court finds that the petitioner’s claim is vitiated by gross delay and unexplained laches. The petitioner remained indolent for over six years after cessation of his contractual engagement and has now sought to resurrect a stale claim without furnishing any cogent justification. During this prolonged period of inaction, the respondents have engaged other personnel, thereby giving rise to third-party rights, which this Court cannot now unsettle in the exercise of its equitable jurisdiction. The writ remedy, being discretionary in nature, is not available to a litigant who has slept over his rights and now seeks to disturb settled positions after an inordinate lapse of time.

5. Conclusion

Accordingly, this Court holds that the petition is barred by gross delay and laches and is otherwise not maintainable on account of creation of third party rights. The writ petition lacks merit and is liable to be dismissed.

17.09.2025
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(SANDEEP MOUDGIL)
JUDGE

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