

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

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CWP-32567-2025

Date of Decision : December 03, 2025

SANTOSH RAJ

-PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Balbir Singh Jaiswal, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioner seeks issuance of directions to the respondents for the release of benefits pertaining to the post which he was directed to hold on additional charge, namely, the post of XEN, for the period from 03.06.2011 to 14.06.2012 and from 23.06.2015 to 31.01.2018.

2. Learned counsel for the petitioner contends that since the petitioner discharged the duties of a higher post during the period (*supra*), he is entitled to receive the corresponding pay and benefits of that higher post.

3. This Court posed a specific query to learned counsel for the petitioner regarding the reason for filing the instant writ petition after a lapse of approximately seven years, particularly since the petitioner did not approach the competent authority at the relevant time seeking the relief now claimed, and the first legal notice was issued only on 26.03.2024, i.e., after a delay of about six years. Learned counsel for the petitioner has not been able

to indicate any pleadings in the writ petition explaining the cause of such delay.

4. It is a trite law that delay defeats equity, and a person who approaches the Court belatedly, or sleeps over his rights for a considerable period of time, cannot invoke the writ jurisdiction of this Court to claim extraordinary relief. This issue has been examined by the Hon'ble Supreme Court in “**Mrinmoy Maity Vs. Chhanda Koley and Ors.**”, 2024 LiveLaw (SC) 318. The relevant observations are extracted hereunder:-

“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 Prasad 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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5. Furthermore, in “**Bichitrananda Behera Vs. State of Orissa and Ors.**”, 2023 AIR Supreme Court 5064, the Hon'ble Supreme Court has held that delay and laches, 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.”

6. Also, in **“Thirunagalingam Vs. Lingeswaran and Anr.”**, **2025 SCC Online SC 1093**, the Supreme Court has held that the principles governing condonation of delay should not be relaxed and delay should not be condoned merely as an act of generosity. Unnecessary relaxation to the principle of limitation would substantially prejudice the opposite party. The relevant paragraphs are extracted hereunder:-

“28. Since the Respondents assigned the very same reasons in I.A. No. 1 of 2022 in Unnumbered A.S. No... of 2022 as raised in I.A. Nos. 462 of 2018 and 119 of 2019 that had already been dismissed by this Court vide S.L.P. (C) Nos. 2054 & 2055 of 2022, the application for condonation of delay of 1116 days cannot be sustained. This Court in S.L.P. (C) Nos. 2054 & 2055 of 2022, after going through the evidence placed on record, rightly held that the delay has not been properly explained. The relevant portion of the order is reproduced hereunder:

“5. We are in complete agreement with the view taken by the High Court. Once it was found even by the learned trial Court that delay has not been properly explained, and even there are no merits in the application for condonation of delay, thereafter, the matter should rest there and the condonation of delay application was required to be

dismissed. The approach adopted by the learned trial Court that, even after finding that, in absence of any material evidence it cannot be said that the delay has been explained and that there are no merits in the application, still to condone the delay would be giving a premium to a person who fails to explain the delay and who is guilty of delay and laches. At this stage, the decision of this Court in the case of Popat Bahiru Goverdhane v. Land Acquisition Officer, reported in (2013) 10 SCC 765 is required to be referred to. In the said decision, it is observed and held that the law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The Court has no power to extend the period of limitation on equitable grounds. The statutory provision may cause hardship or inconvenience to a particular party but the Court has no choice but to enforce it giving full effect to the same.

5.1 In the case of Maniben Devraj Shah v. Municipal Corporation of Brihan Mumbai, (2012) 5 SCC 157, in paragraph 14, it is observed and held as under:

“The law of limitation is founded on public policy. The Limitation Act, 1963 has not been enacted with the object of destroying the rights of the parties but to ensure that they approach the court for vindication of their rights without unreasonable delay. The idea underlying the concept of limitation is that every remedy should remain alive only till the expiry of the period fixed by the legislature. At the same time, the courts are empowered to condone the delay provided that sufficient cause is shown by the applicant for not availing the remedy within the prescribed period of limitation.”

6. In view of the above and for the reasons stated above, we are in complete agreement with the view taken by the High Court. The Special Leave Petitions stand dismissed.

Pending application, if any, also stands disposed of.”

29. Therefore, this Court, having previously adjudicated upon the application for condonation of delay filed in I.A. Nos. 462 of 2018 and 119 of 2019, and having rendered a reasoned order passed in S.L.P. (C) Nos. 2054 & 2055 of 2022, after a thorough perusal of the evidence and materials on record, held that the grounds put forth were insufficient to constitute 'sufficient cause' under Section 5 of the Limitation Act, 1963. An order of this Court, passed upon judicial consideration, attains finality unless set aside through appropriate appellate or review mechanisms.

30. In the present appeal, the Respondents seek to raise the very same reason to condone the delay as were previously canvassed, without placing any fresh or additional material to distinguish the current reason from the one already discussed and dismissed. This Court is of the considered view that such a repetition of grounds already scrutinized and held untenable amounts to an abuse of the process of law. Although the applications for condonation of delay are filed under different provisions of the law but the said provisions provide for concurrent remedies through different mechanisms and if the application filed under one provision has already been dismissed by a court of competent jurisdiction, by applying its judicial mind and held that the reasons for delay were not sufficient, a subsequent application filed under different provision, reiterating the same contentions or grounds of delay, cannot be entertained.

31. It is a well-settled law that while considering the plea for condonation of delay, the first and foremost duty of the court is to first ascertain the bona fides of the explanation offered by the party seeking condonation rather than starting with the merits of the main matter. Only when sufficient cause or reasons given for the delay by the litigant and the opposition of the other side is equally balanced or stand on equal footing, the court may consider the merits of the main matter for the purpose of condoning the delay.

32. Further, this Court has repeatedly emphasised in several cases that delay should not be condoned merely as an act of generosity. The pursuit of substantial justice must not come at the

cost of causing prejudice to the opposing party. In the present case, the respondents/defendants have failed to demonstrate reasonable grounds of delay in pursuing the matter, and this crucial requirement for condoning the delay remains unmet.

33. Therefore, in the case at hand, once it has been established that the reasons provided for condoning the delay in the application filed are not sufficient, we are not inclined to go into the merits of the contentions raised by the learned counsel of Respondents regarding Section 14 of the Limitation Act, 1963.”

7. In view of the above settled proposition of law, this Court does not find any plausible reason to condone the delay of approximately seven years. Consequently, the instant writ petition is **dismissed**.

December 03, 2025
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(KULDEEP TIWARI)
JUDGE

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