



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

Date of Decision:10.12.2025

CWP No.36765 of 2025(O&M)

Angrej Singh

....Petitioner

VS.

State of Punjab and others

....Respondents

CWP No. 14627 of 2021(O&M)

Hardeep Singh

....Petitioner

VS.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sukhdev Singh Khokher, Advocate
for the petitioner in CWP- 36765 of 2025

Ms. Manveen Kahlon, Advocate
for the petitioner in CWP- 14627 of 2021

Mr. Aman Dhir, DAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. By this common order, CWP No. 36765 of 2025 and CWP No. 14627 of 2021 are hereby adjudicated as common questions of law and facts



are involved. With the consent of both sides, facts are borrowed from CWP No. 36765 of 2025.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to reinstate him as Constable from the date similarly situated persons were reinstated.

3. The petitioner, pursuant to advertisement dated 30.09.1993, applied for the post of Constable. He successfully cleared competitive exam and was allotted Constabulary Number on 05.05.1994. This Court vide judgment dated 17.10.1996 passed in CWP No.12860 of 1996 directed respondent-State to dispense with services of candidates appointed by superseding merit. The petitioner was terminated vide order dated 15.07.1997 passed by Commandant, 4th Indian Reserve Battalion, Punjab Police, Jalandhar. This Court vide order dated 23.12.2016 passed in CWP No.16191 of 1997 directed the State Government to consider petitioners for reinstatement against available posts. The State filed LPA No.737 of 2017 which was dismissed vide order dated 31.10.2018. The respondent issued memo dated 09.04.2020 directing reinstatement of few Constables. The Special Director General of Police, Armed Battalion, Jalandhar vide office order dated 27.04.2020 reinstated 57 Constables. The petitioner submitted representation dated 17.03.2023 seeking reinstatement on parity with similarly situated Constables. Hon'ble Supreme Court vide order dated 23.02.2024 dismissed *SLP (Civil) No.24528 of 2019, State of Punjab and others v. Ex. Ct. Jagtar Singh and others* filed against judgment dated 31.10.2018 passed by Division Bench of this Court.



4. On being asked reason of delay of more than two decades, learned counsel for the petitioner submits that colleagues of the petitioner preferred writ petition before this Court in 1997 and petitioner was assured by the authorities that he would get the same benefits as given to petitioners of aforesaid writ petition. He was always under impression that he would be given benefit at par with petitioners in CWP-16191 of 1997. For all intents and purposes, he is at par with petitioners of aforesaid writ petition. Vacancies are available and appointment of petitioner would not open Pandora's box. There is a continuing cause. He is physically fit and should be granted appointment letter.

5. No hard-and-fast rule can be laid down as to when the High Court should refuse to exercise its jurisdiction in favour of a party who moves it after considerable delay and is otherwise guilty of laches. Discretion must be exercised judiciously and reasonably. In the event that the claim made by the applicant is legally sustainable, delay should be condoned. Where illegality is manifest, cannot be sustained on the sole ground of laches. When substantial justice and technical considerations are pitted against each other, the cause of substantial justice deserves to be preferred. State cannot deprive vested right because of a non-deliberate delay.

6. A two Judge Bench of Supreme Court recently in '*Mrinmoy Maity Vs. Chhanda Koley and others*' 2024 SCC OnLine SC 551 has held that High Court ought to dismiss petition on the ground of delay and laches where there is no explanation of delay. An applicant who approaches the Court belatedly or in the other words sleeps over his rights for a considerable



period ought not to be granted the extraordinary relief by writ Courts. Delay defeats equity. 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. Multiple communications cannot create cause of action. The relevant extracts of the judgment are reproduced as below:

“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 non-suited or in other words writ petition ought to have been dismissed on the ground of delay and latches 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 latches 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 laches 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 laches, 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 laches on the part of the applicant in approaching a writ court.”

7. In the cases in hand, the petitioners were terminated vide order dated 15.07.1997. The order of termination was passed pursuant to order dated 17.10.1996 passed by this Court. Many terminated Constables approached this Court in 1997 and their petition was allowed vide order dated 23.12.2016. The writ petition No.16191 of 1997 remained pending before this Court for 19 years. The petitioners during the said period did not find it appropriate to file petition or become party in the said petition. As per their wisdom, they decided to stay away from litigation. They woke up in

2020 and started filing representations. Their claim deserves to be non-suited on the ground of delay and laches. The petitioners, at present, are more than 50 years of age. They had applied for the post of Constable where physical and mental fitness is of paramount consideration.

8. In view of above discussion and findings, the petitions deserve to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

10.12.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	