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

CWP-37798-2025

Date of decision: 22.12.2025

Karan Singh

....Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Sandeep Yadav, Advocate
for the petitioner.Mr. Prince Singh, Advocate
for the respondents.**HARPREET SINGH BRAR, J. (ORAL)**

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing of impugned reply dated 22.05.2024 (Annexure P-8) issued by respondent No.3.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner joined UHBVN in the year 1977. A co-employee, junior to the petitioner, namely, Ram Niwas, was granted deemed promotion based on a Civil Court decree. The petitioner's seniority was acknowledged in the tentative list (Annexure P-2) but the claim was rejected solely because he was not a party to the suit. The petitioner continuously represented to the respondents regarding removal of the anomaly and stepping up of his pay at par with his junior. The respondent(s) while replying to the legal notice served by the petitioner, rejected his claim vide the impugned order dated 22.05.2024

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(Annexure P-8) without assigning any reasons and without due application of mind. Such arbitrary act and conduct of the respondent-Corporation is violative of Articles 14, 16, and 21 of the Constitution of India and is contrary to the settled principles of parity. Further, Civil Court decree cannot prejudice the right of the petitioner who was admittedly a senior employee.

3. *Per contra*, learned counsel for the respondents-Corporation submits that the claim raised by the petitioner is hopelessly time barred. The right of the petitioner was first crystallized in the year 1980 and thereafter, in the year 2004. The petitioner's representation filed in the year 2015 (Annexure P-3) is regarding seeking promotion which has no relation to the prayer made in the present writ petition. The petitioner retired on 30.11.2015 and the present writ petition was filed in the year 2025, as such, the petitioner's claim is required to be rejected solely on the ground of delay and laches. Learned counsel for the respondents-Corporation further on instructions submits that the right of the petitioner was crystallized in the year 2004 when the Civil Suit filed by Ram Niwas was allowed and he was given deemed date of promotion as ASSA on 22.06.1980 and SSA w.e.f. 31.12.2003 vide the order passed on 02.03.2004 bearing Memo No.197.

4. Having heard learned counsel for the parties and on perusal of the record, it transpires that the petitioner retired on 30.11.2015 and his junior, namely, Ram Niwas, was promoted as Junior Engineer (J.E.) in the year 2010 and the petitioner remained indolent and kept sitting over his rights.

5. It is trite law that the delay in approaching this Court under Article 226 of the Constitution of India may be condoned if sufficient cause is



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indicated or a reasonable explanation is provided for the same. However, the facts of the matter at hand indicate otherwise. Learned counsel petitioner has failed to specify any compelling or extenuating circumstance which prevented him from approaching this Court for such a long time. Reference in this regard may be made to the judgment rendered by a three-Judge Bench of the Hon'ble Supreme Court in *Chairman/Managing Director, U.P. Power Corporation Limited and Others vs. Ram Gopal (2021) 13 SCC 225*, wherein, the following was held:

*“16. Whilst it is true that limitation does not strictly apply to proceedings under Articles 32 or 226 of the Constitution of India, nevertheless, such rights cannot be enforced after an unreasonable lapse of time. Consideration of unexplained delays and inordinate laches would always be relevant in writ actions, and writ courts naturally ought to be reluctant in exercising their discretionary jurisdiction to protect those who have slept over wrongs and allowed illegalities to fester. Fence-sitters cannot be allowed to barge into Courts and cry for their rights at their convenience, and vigilant citizens ought not to be treated alike with mere opportunists. On multiple occasions, it has been restated that there are implicit limitations of time within which writ remedies can be enforced. In *SS Balu v. State of Kerala*, this Court observed thus:*

“17. It is also well settled principle of law that "delay defeats equity". It is now a trite law that where the writ petitioner approaches the High Court after a long delay, reliefs prayed for may be denied to them on the ground of delay and laches irrespective of the fact that they are similarly situated to the other candidates who obtain the benefit of the judgment.”” (emphasis added)

6. Further, in *Mrinmoy Maity vs. Chhanda Koley and others 2024 AIR SC 2717*, the Hon'ble Supreme Court has categorically observed that the High Courts must factor in the delay, while exercising its discretionary powers under Article 226 of the Constitution of India. It was further opined that undue and unexplained delay may be reason enough to dismiss a petition as indolent



litigants ought not to be encouraged by writ Courts.

7. In *State of Uttaranchal v. Shiv Charan Singh Bhandari*, (2013) 12 SCC 179, while considering the issue regarding delay and laches and referring to earlier judgments on the issue, a Two-Judge Bench of the Hon'ble Supreme Court opined that repeated representations made will not keep the issues alive. A stale or a dead issue/dispute cannot be got revived even if such a representation has either been decided by the authority or got decided by getting a direction from the court as the issue regarding delay and laches is to be decided with reference to original cause of action and not with reference to any such order passed. Delay and laches on the part of a government servant may deprive him of the benefit which had been given to others. Article 14 of the Constitution of India, in a situation of that nature, will not be attracted as it is well settled that law leans in favour of those who are alert and vigilant.

8. In *Union of India and others v. M. K. Sarkar*, (2010) 2 SCC 59, the Hon'ble Supreme Court has ruled that when a belated representation in regard to a 'stale' or 'dead' issue/dispute is considered and decided, in compliance with a direction by the court/tribunal to do so, the date of such decision cannot be considered as furnishing a fresh cause of action for reviving the 'dead' issue or time-barred dispute. The issue of limitation or delay and laches should be considered with reference to the original cause of action and not with reference to the date on which an order is passed in compliance with a Court's direction. Neither a Court's direction to consider a representation issued without examining the merits, nor a decision given in compliance with such direction, will extend the limitation, or erase the delay and laches.

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9. In the present case, the petitioner has approached this Court after a considerable lapse of time. Repeated representations will not keep the issues alive and no plausible explanation has been offered by learned counsel for the petitioner for the delay in filing the present petition.

10. In view of the discussion above, this Court does not find it appropriate to invoke its extraordinary writ jurisdiction under Article 226 of the Constitution of India. Accordingly, the present petition stands dismissed.

(HARPREET SINGH BRAR)
JUDGE

22.12.2025*Neha*

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