

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.116 of 2025

In
Civil Writ Jurisdiction Case No.16694 of 2024

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Ashok Kumar Son of Late Ram Bahadur Singh Resident of Village- Aauta,
P.O- Mokamah Ghat, P.S- Hathdash, District- Patna, Bihar.

... .. Appellant/s

Versus

1. The Union of India, through its Secretary, Department of Home, Government of India, New Delhi.
2. The Director General of Central Reserve Police Force (CRPF), Government of India, New Delhi.
3. The Inspector General of Central Reserve Police Force (CRPF), Government of India, New Delhi.
4. Deputy Inspector General of Central Reserve Police Force (CRPF), Government of India, New Delhi.
5. The Commandant, Central Reserve Police Force (CRPF), Government of India, New Delhi.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Arvind Kumar, Advocate
For the Respondent/s	:	Mr. Subodh Kumar Jha, Sr. CGC
		Mr. Ram Tujabh Singh, CGC

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

4 14-07-2026 **Re: I.A. No. 01 of 2025**

Learned counsel for the appellant presses I.A. No. 01
of 2025 for condoning the delay of 63 days in preferring this
appeal.

2. For the reasons stated in the application, the delay



in preferring this appeal is condoned.

3. I.A. No.01 of 2025 stands allowed.

Re: L.P.A No. 116 of 2025

4. Heard learned counsel for the parties.

5. The present intra court appeal is directed against the order dated 29.04.2024 passed by learned Single Judge in C.W.J.C. No. 16694 of 2024, whereby the writ petition preferred by the appellant came to be dismissed.

6. The brief facts of the case are that the appellant/writ-petitioner was serving in CRPF, and was inflicted punishment of withholding two increments in the year 1998, Subsequently he preferred a revision application before the concerned authority which also came to be dismissed. Since then the appellant has superannuated from the service. Further, he preferred the impugned writ-application in the year 2024.

7. The learned Single Judge while dismissing the writ petition had made the following observations:

6. Learned Advocate for the Union of India countering the afore-noted submission contended that the writ petition is preferred after 26 years and thus, fit to be dismissed on account of gross delay and latches.

7. Well settled it is that, a belated claim will be rejected on the ground of delay and latches where remedy is sought by filing a writ petition. This Court deems it apt to quote the relevant paragraph of the decision of the Hon'ble Apex



Court in the case of Mrinmoy Maity vs. Chhanda Koley & Ors., 2024 SCC online SC 551 as follows:-

“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 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”.

8. Considering the submissions advanced on behalf of the parties and after perusing of the record, this Court finds there is no explanation, per se, warranting any interference, accordingly the writ petition stands dismissed.”



8. Learned counsel for the appellant submits that the order dated 29.10.2024 passed by the learned Single Judge is unsustainable in law and on facts, as the writ petition has been dismissed solely on the ground of delay without examining the merits of the case or the legality of the disciplinary proceedings.

9. It is submitted that the appellant had rendered long and otherwise unblemished service and that the disciplinary action arose only on account of his alleged unauthorized absence. According to the appellant, he was suffering from serious illness, had undergone medical treatment at Mahatma Gandhi Memorial Hospital, Jamshedpur, and had informed the superior authorities besides submitting an application for leave. However, neither the disciplinary authority nor the learned Single Judge considered these aspects.

10. Learned counsel for the appellant further submits that the learned Single Judge failed to exercise the discretion available in matters of delay and ought to have considered the case on merits. Accordingly, the impugned judgment is liable to be set aside and the appeal deserves to be allowed.

11. Per contra, learned counsel for the respondents submits that the learned Single Judge has rightly dismissed the



writ petition on the ground of gross and unexplained delay and laches. It is submitted that the disciplinary proceedings attained finality long ago, whereas the writ petition came to be instituted after an inordinate delay of about 26 years, without any satisfactory explanation. Such stale and belated claims do not deserve to be entertained in exercise of writ jurisdiction under Article 226 of the Constitution of India.

12. It is further submitted that settled service matters cannot be reopened after such an extraordinary lapse of time, particularly when the appellant had accepted the disciplinary action for decades. The learned Single Judge has rightly applied the settled principles governing delay and laches, and no error of law or jurisdiction has been committed warranting interference in the present intra-court appeal.

13. The limited issue which arises for consideration before this Court is as to whether the impugned order dated 29.10.2024 dismissing the writ petition on the ground of delay and laches calls for interference by this Court in exercise of its intra- court appellate jurisdiction.

14. Having heard learned counsel for the parties and upon careful consideration of the pleadings and the materials on record, this Court deems it appropriate to examine the legality



and correctness of the exercise of discretion by the learned Single Judge in dismissing the writ petition on the ground of delay and laches.

15. It is well settled that the jurisdiction under Article 226 of the Constitution is discretionary and equitable. A person who approaches the writ court after an inordinate and unexplained delay cannot, as a matter of right, seek invocation of the extraordinary writ jurisdiction. Mere existence of a legal grievance does not obliterate the requirement of approaching the Court within a reasonable time. Delay and laches constitute a valid ground for declining relief, particularly in service matters where settled rights and administrative decisions cannot be permitted to be reopened after decades.

16. In the present case, the disciplinary proceedings culminated long ago, whereas the writ petition came to be filed after approximately 26 years. Significantly, no cogent or satisfactory explanation has been furnished by the appellant to justify such extraordinary delay. The submissions sought to be advanced on the merits of the disciplinary proceedings cannot eclipse the threshold issue of delay, for unless the delay is satisfactorily explained, the writ court is justified in declining to examine the merits of the dispute.



17. The Hon'ble Supreme Court in *Mrinmoy Maity v. Chhanda Koley & Ors., reported in 2024 SCC OnLine SC 551*, has reiterated that a litigant who sleeps over his rights for a considerable period cannot ordinarily invoke the extraordinary jurisdiction under Article 226 and that *delay defeats equity*. The Court further held that although the power to condone delay is discretionary, such discretion can be exercised only where the explanation for the delay appeals to the conscience of the Court. In the absence of any satisfactory explanation, refusal to entertain the writ petition is fully justified. The relevant part of the said order reads as follows:

“9. Having heard rival contentions raised and on perusal of the facts obtained in the present case, we are of the considered view that the writ petitioner ought to have been non-suited or in other words the 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 borne 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 straitjacket 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.”

18. The aforesaid principle is not of recent origin. In ***State of M.P. v. Bhailal Bhai, reported in AIR 1964 SC 1006***, the Constitution Bench held that though no period of limitation is prescribed for proceedings under Article 226, the High Court may refuse relief where there is unreasonable delay. The relevant part of the said order reads as follows:

“17. At the same time we cannot lose sight of the fact that the special remedy provided in Article 226 is not intended to supersede completely the modes of obtaining relief by an action in a Civil Court or to deny defences legitimately open in such actions. It has been made clear more than once that the power to give relief under Article 226 is a



discretionary power. This is specially true in the case of power to issue writs in the nature of mandamus. Among the several matters which the High Courts rightly take into consideration in the exercise of that discretion is the delay made by the aggrieved party in seeking this special remedy and what excuse there is for it....

...It is not easy nor is it desirable to lay down any Rule for universal application. It may however be stated as a general Rule that if there has been unreasonable delay the court ought not ordinarily to lend its aid to a party by this extraordinary remedy of mandamus. Again, where even if there is no such delay the Government or the statutory authority against whom the consequential relief is prayed for raises a prima facie triable issue as regards the availability of such relief on the merits on the grounds like limitation the court should ordinarily refuse to issue the writ of mandamus for such payment. In both these kinds of cases it will be sound use of discretion to leave the party to seek his remedy by the ordinary mode of action in a Civil Court and to refuse to exercise in his favour the extraordinary remedy under Article 226 of the Constitution.”

19. Likewise, in ***Chennai Metropolitan Water Supply and Sewerage Board v. T.T. Murali Babu, reported in (2014) 4 SCC 108***, the Hon’ble Supreme Court observed that delay and laches are relevant considerations while exercising writ jurisdiction and that stale claims ought not to be entertained. The relevant part of the said order reads as follows:

“16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ



court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant — a litigant who has forgotten the basic norms, namely, “procrastination is the greatest thief of time” and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis.

17. In the case at hand, though there has been four years' delay in approaching the court, yet the writ court chose not to address the same. It is the duty of the court to scrutinise whether such enormous delay is to be ignored without any justification. That apart, in the present case, such belated approach gains more significance as the respondent employee being absolutely careless to his duty and nurturing a lackadaisical attitude to the responsibility had remained unauthorisedly absent on the pretext of some kind of ill health. We repeat at the cost of repetition that remaining innocuously oblivious to such delay does not foster the cause of justice. On the contrary, it brings in injustice, for it is likely to affect



others. Such delay may have impact on others' ripened rights and may unnecessarily drag others into litigation which in acceptable realm of probability, may have been treated to have attained finality. A court is not expected to give indulgence to such indolent persons — who compete with “Kumbhakarna” or for that matter “Rip Van Winkle”. In our considered opinion, such delay does not deserve any indulgence and on the said ground alone the writ court should have thrown the petition overboard at the very threshold.”

20. Similar reiteration is found in ***Basawaraj & Anr. v. Special Land Acquisition Officer, reported in (2013) 14 SCC 81***, wherein the Hon’ble Supreme Court held that law assists the vigilant and not those who sleep over their rights. The relevant part of the said order reads as follows:

“15. The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the “sufficient cause” which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bona fide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by



this Court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature.”

21. In light of the settled principles and considering the complete absence of any satisfactory explanation for the delay of nearly 26 years, this Court finds that the impugned order neither suffers from any error of law nor from any perversity warranting interference in exercise of the intra-court appellate jurisdiction.

22. In view of the aforesaid, the issue is answered against the appellant.

23. Accordingly, the present intra court appeal stands dismissed.

24. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

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