IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMP(M) No.1858 of 2026
in LPA No.656 of 2026
Decided on : 19.11.2026

Suffal Ram ...Appellant

Versus

State of HP and Ors. …Respondents.

Coram

Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.

Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?[1]

For the appellant	:	Mr. Naresh Kaul and Ms. Sheetal Kaul, Advocates.
For the respondent(s)	:	Mr. Arsh Rattan, Deputy Advocate General, for respondents No.1 to 4/State. Mr. Tara Chand Chauhan, Advocate, for respondent No.5.

G.S. Sandhawalia, Chief Justice *(Oral)*

CMP(M) No.1858 of 2026

For the reasons stated in the application duly supported by an affidavit, delay of 47 days in filing the appeal is condoned.

LPA No.656 of 2026

By way of the present appeal, a challenge has been laid to the impugned judgment dated 19.06.2026, passed in

[1] *Whether the reporters of the local papers may be allowed to see the Judgment?* Yes

CWP No.9233 of 2026, titled Suffal Ram vs. State of HP and Ors., whereby the learned Single Judge has dismissed the writ petition *in limine* as such on the ground of delay and laches.

2. The learned Single Judge was of the view that the petitioner had not agitated the issue for 16 years from the date of his superannuation and nothing prevented him from agitating this issue at the time of his retirement, but he slept over the matter. Benefits which are sought to be claimed were on the basis of the judgment, which was passed by the Division Bench of this Court in the year 2018, which further had upheld the order passed by the erstwhile State Administrative Tribunal in the year 2016. Resultantly, it was held that the reasonable time as such had lapsed and accordingly, the writ petition, was dismissed.

3. Learned Counsel for the appellant has vehemently submitted that similarly situated persons have been granted the benefit and referred to the case of one Kunj Lal, to submit that he was granted similar benefits on account of filing Civil Writ Petition No.13753 of 2025. While referring to the order passed by the authorities on 19th April, 2025 (Annexure P-8), wherein it was found that *Kunj Lal's* case was covered by the

judgment in *Sunder Singh's* case, it is contended that said writ petition is still pending and, in such circumstances, it is submitted that the learned Single Judge was not justified in dismissing the writ petition.

4. We have gone through the writ petition, which was initially filed before the learned Single Judge, and it is to be noticed that the petitioner had retired at the age of 58 years on 31.10.2010. He had been regularized on 22nd January, 2007 and, therefore, had only nearly three years of regular service. The benefits which are sought to be claimed as such, he had never at any point of time agitated or challenged the date of his regularization that was done, or claimed that he was liable to be regularized from an earlier point of time. The representation, which has now been submitted on 28th September, 2025 (Annexure P-9) to the authorities as such is also on the basis that he was entitled for the grant of work-charge status from 01.01.2001 on the basis of the judgment in *Mool Raj Upadhyaya's* case, while giving reference of *Kunj Lal's case (supra)*.

5. It is not disputed that the judgment in ***Mool Raj Upadhyaya vs. State of H.P.*** was decided in the year 1994 and is reported as **1994 Supp (2) SCC 316**. Thus, at that

point of time also, he was very much in service, but had never agitated for the said benefit. The counsel's attempt as such to show similarity with *Kunj Lal* also is apparently not justified, in as much as in *Kunj Lal's* case (*supra*), the employee had challenged the order dated 18th November, 2019 passed by the office of the Accountant General, whereby it was found that he had 9 years and 8 months of service, and it was in such circumstances that the said employee was agitating for the benefit for the grant of pension, keeping in view the law laid down in *Sunder Singh's* case, to get the benefit on the strength of daily wage service, which is to be added to the regular qualifying service, if it is less than 10 years.

6. A perusal of the communication dated 19th February, 2025 (Annexure P-8) in the Civil Writ Petition would also go on to show that Kunj Lal had 9 years and 8 months of regular service with daily wage service of 10 years. It is in such circumstances that the similarity as such, which is now sought to be claimed on account of the pendency of the representation and the relief granted in *Kunj Lal's* case is without any basis.

7. It is a settled principle that if a person sleeps over his rights as such, the discretionary relief under Article 226 of

the Constitution of India is not liable to be extended to him. Reliance can be placed upon the judgment of the Apex Court in ***State of Uttar Pradesh and others vs. Arvind Kumar Srivastava and others*, (2015) 1 SCC 347**, wherein the principles have been specifically laid down in paragraphs 22.1 and 22.2, that persons who are fence-sitters and have not claimed any benefit, did not challenge the wrongful action in their cases, and have woken up after a long delay, are not liable to be granted the said relief, and cannot be treated as persons who are similarly situated. The relevant paragraphs of the said judgment read as under:-

> *"22.1 Normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.*
>
> *22.2 However, this principle is subject to well recognized exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases*

> *and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the Court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.*

8. The relief as such which is now sought to be claimed, was very much available to the petitioner at the time of his superannuation way back in the year 2010, which he apparently faulted as such, and therefore, he cannot turn around and start raising belated claims for the benefit of regularization from an earlier point of time.

9. In such circumstances, we are of the considered opinion that the reasoning given by the learned Single Judge while dismissing the writ petition *in limine* is well justified, and even the counsel's reliance upon parity with *Kunj Lal* on the basis of which judgment has been sought to be challenged and as noticed above, *Kunj Lal* had a longer period of service, and the department itself having passed an order dated 18th November, 2019, he had a cause of action as such on the basis of which he could approach this Court.

10. Thus, for the aforesaid reasons, we are of the

considered opinion that the present appeal is bereft of merits, therefore, the same is dismissed accordingly. Pending application(s), if any, also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

19th November, 2026
(Gaurav Rawat)