

CWP-9500 of 2026

2026:PHHC:058965



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

CWP-9500 of 2026

Date of decision: 20.04.2026

Shamsher Singh and others

....Petitioners

versus

The State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Udey Veer Singh Brar, Advocate,
for the petitioners.

NAMIT KUMAR, J. (ORAL)

1. Instant petition has been filed under Articles 226/227 of the Constitution of India, for issuance of a writ of a writ of *mandamus* directing the respondents to release the balance dues of the pensionary benefits of the petitioners.

2. Brief facts of the case, as have been pleaded in the petition, are that the petitioners retired from the Agriculture Department, Punjab, during the years from 2003 to 2008. Petitioners were granted pensionary benefits. However, upon computation, petitioner No.1, though entitled to Rs.7 lakh, received Rs.5 lakh only. Vide representation dated 06.11.2025 (Annexure P-2), he requested the respondents to release the balance amount of Rs.2,50,000/-. The other petitioners also submitted similar representations claiming refund, however, no response has been received from the respondents. Hence, the present writ petition.

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3. Learned counsel for the petitioner submitted that department is wrongly deducting 4% amount from the pension of the petitioners, therefore, they are entitled to refund of the balance amount.

4. Learned State counsel, who has appeared on receipt of advance copy of the paperbook, has submitted that the present petition is liable to be dismissed on the ground of delay and laches.

5. I have heard learned counsel for the parties and perused the record.

6. Admittedly, the petitioners retired from service in the years from 2003 to 2008 and for the redressal of their grievance, they have approached this Court after an inordinate delay of 18 to 23 years.

7. Further, the averments made in the petition are totally vague. It has not been stated as to how the petitioners are entitled for the amount claimed in the petition.

8. The Hon'ble Supreme Court in ***Yunus (Baboobhai) A Hamid Padvekar Vs. State of Maharashtra Through its Secretary and others : 2009 (2) SCT 24***, while referring to the issue of delay and laches, had held as follows:-

*“8. Delay or laches is one of the factors which is to be borne in mind by the High Courts when they exercise their discretionary powers under Article 226 of the Constitution of India, 1950 (in short 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 (AIR 1970 Supreme Court 769)***. Of*



course, the discretion has to be exercised judicially and reasonably.

9. What was stated in this regard by Sir Barnes Peacock in **Lindsay Petroleum Company v. Prosper Armstrong Hurde etc., (1874) 5 PC 221** at page 239 was approved by this Court in **Moon Mills Ltd. v. Industrial Courts, (AIR 1967 SC 1450)** and **Maharashtra State Transport Corporation v. Balwant Regular Motor Service (AIR 1969 Supreme Court 329)**, Sir Barnes had stated:

"Now the doctrine of laches in Courts of Equity is not an arbitrary or technical doctrine. Where it would be practically unjust to give a remedy either because the party has, by his conduct done that which might fairly be regarded as equivalent to a waiver of it, or where by his conduct and neglect he has though perhaps not waiving that remedy, yet put the other party in a situation in which it would not be reasonable to place him if the remedy were afterwards to be asserted, in either of these cases, lapse of time and delay are most material. But in every case, if an argument against relief, which otherwise would be just, if founded upon mere delay, that delay of course not amounting to a bar by any statute of limitation, the validity of that defence must be tried upon principles substantially equitable. Two circumstances always important in such cases are, the length of the delay and the nature of the acts done during the interval which might affect either party and cause a balance of justice or injustice in taking the one course or the other, so far as relates to the remedy."

10. It would be appropriate to note certain decisions of this Court in which this aspect has been dealt with in relation with Article 32 of the Constitution. It is apparent that what has been stated as regards that Article would apply, a fortiori, to Article 226. It was observed in **R.N Bose v. Union of India (AIR 1970 Supreme Court 470)** that no relief can be given to the petitioner who without any reasonable explanation approaches this Court under Article 32 after inordinate delay. It was stated that though Article 32 is itself a guaranteed right, it does not follow from this that it was the intention of the Constitution makers that this Court should disregard all principles and grant relief in petitions filed after inordinate delay.



11. *It was stated in **State of M.P. v. Nandlal (AIR 1987 Supreme Court 251)** that the High Court in exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in exercise of its writ jurisdiction. It was stated that this rule is premised on a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy because it is likely to cause confusion and public inconvenience and bring in its trail new injustices, and if writ jurisdiction is exercised after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. It was pointed out that when writ jurisdiction is invoked, unexplained delay coupled with the creation of third party rights in the meantime is an important factor which also weighs with the High Court in deciding whether or not to exercise such jurisdiction.*

12. *In view of the aforesaid position we are not inclined to interfere in this appeal which is dismissed accordingly.”*

9. In a recent judgment by a Division Bench of this Court in **Ram Kumar Vs. State of Haryana and others : 2022 (3) SCT 346**, while rejecting the claim of the petitioner for counting of his ad hoc service, for the purpose of seniority/pension and regularization in service on completion of 02 years as per policy, held that the petition filed by him suffered from gross, inordinate and unexplained delay in approaching the High Court. In the said judgment, it has been held as under:-

“10. What we wish to emphasize, in particular, is that services of the appellant were regularized w.e.f. 01.04.1997. And, he was assigned a specific seniority position in the cadre. Whereafter, he continued to serve the department for nearly twenty five years, before attaining the age of superannuation in January, 2022. Needless to



*assert that during all these years, he availed all admissible benefits, promotions, and retired as Inspector. Thus, it rather appears that institution of the petition by the appellant was speculative and an attempt to resurrect a stale and dead claim. The Supreme Court, in **New Delhi Municipal Council v. Pan Singh & Ors., 2007(9) SCC 278**, observed:*

*“15. There is another aspect of the matter which cannot be lost sight of. Respondents herein filed a Writ Petition after 17 years. They did not agitate their grievances for a long time. They, as noticed herein, did not claim parity with the 17 workmen at the earliest possible opportunity. They did not implead themselves as parties even in the reference made by the State before the Industrial Tribunal. It is not their case that after 1982, those employees who were employed or who were recruited after the cut-off date have been granted the said scale of pay. After such a long time, therefore, the Writ Petitions could not have been entertained even if they are similarly situated. It is trite that the discretionary jurisdiction may not be exercised in favour of those who approach the Court after a long time. Delay and laches are relevant factors for exercise of equitable jurisdiction. See **Govt. of W.B. v. Tarun K. Roy And Others [(2004) 1 SCC 347]**, **Chairman, U.P. Jal Nigam & Anr. v. Jaswant Singh And Anr. [2006 (12) SCALE 347]** and **Karnataka Power Corpn. Ltd. through its Chairman & Managing Director and Another v. K. Thangappan and Another [(2006) 4 SCC 322]**”*

*11. Similarly, in **Jagdish Lal & Ors. Vs. State of Haryana & Ors., (1997) 6 SCC 538**, it was held by the Supreme Court:*

*“That apart, as this Court has repeatedly held, the delay disentitles the party to the discretionary relief under Article 226 or 32 of the Constitution. It is not necessary to reiterate all catena of precedents in this behalf. Suffice it to state that the appellant kept sleeping over their rights for long and elected to wake up when they had the impetus from **Vir Pal Chauhan** and **Ajit Singh’s** ratios.....*

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Therefore, desperate attempts of the appellants to re-do the seniority had by them in various cadres/grades though in the same services according to 1974 Rules or 1980 Rule, are not amenable to judicial review at this belated stage....”

12. In the wake of the position as sketched out above, we are dissuaded to interfere with the impugned order and judgment rendered by the learned single Judge. The appeal being bereft of merit is, accordingly, dismissed.”

10. In view of the abovesaid discussion and the settled legal position, this Court is of the considered opinion that the present petition is liable to be dismissed as there is gross delay on the part of the petitioners in filing the present petition as they have approached this Court after an inordinate and unexplained delay/lapse of time of about 18 to 23 years, thereby allowing the cause of action, if any, to become stale. Such belated invocation, without furnishing any satisfactory explanation for the prolonged silence, defeats the very object of equitable relief and disentitles the petitioner from any discretionary relief under Article 226 of the Constitution of India. The law is well settled that equity aids the vigilant and not those who sleep over their rights.

11. Consequently, the instant petition, being devoid of merits, is dismissed, with costs of Rs.25,000/- to be deposited with the High Court Lawyers' Welfare Fund within a period of six weeks.

20.04.2026
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No