



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

CWP-8261-2026

Date of Decision : 18.03.2026

Rajwinder Singh

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Joginder Pal Devgan, Advocate,
for the petitioner.

Mr. Surya Kumar, AAG, Punjab.

NAMIT KUMAR, J.

1. The petitioner has invoked the writ jurisdiction of this Court under Article 226 of the Constitution of India, seeking quashing of orders dated 31.08.1982 (Annexure P-1), 24.01.1983 (Annexure P-2), 22.11.1983 (Annexure P-3) and 29.11.1983 (Annexure P-4), passed by respondent No.4, vide which the petitioner was granted punishment of stoppage of annual increments with cumulative effect as well as temporary effect. Further prayer has been made for directing the respondent-department to immediately release the benefits of pending increments as well as pensionary benefits.

2. The brief facts, as have been pleaded in the petition, are that the petitioner was appointed as Conductor in the Punjab Roadways on temporary basis with effect from 13.02.1982 in the pay scale of Rs.400-600 and on completion of probation period of two years, his services were regularised vide order dated 31.03.1982. Thereafter,



petitioner was promoted to the post of Sub-Inspector and retired as such on 31.05.2013. After retirement, when the petitioner was given less pension, he filed an application under the Right to Information Act, 2005 and got to know about the impugned orders dated 31.08.1982, 24.01.1983, 22.11.1983 and 29.11.1983 (Annexures P-1 to P-4), stopping his annual increments with cumulative effect. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that before passing the impugned orders, neither any enquiry was conducted nor the petitioner was granted any opportunity of hearing by the respondents and he came to know about the same after his retirement. Therefore, the impugned orders being against the rules and principles of natural justice are liable to be set aside.

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

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

6. Admittedly, the petitioner was awarded the punishment of stoppage of annual increments with cumulative effect, vide orders dated 31.08.1982, 24.01.1983, 22.11.1983 and 29.11.1983 and he retired from the Punjab Roadways as Sub Inspector on 31.05.2013. The present writ petition has been filed after an inordinate delay of about 44 years from the passing of the impugned orders. Such belated challenge is clearly



hit by the doctrine of delay and laches. It is a settled proposition of law that stale claims cannot be entertained after decades, especially when rights have long since crystalised. Entertaining such claims would unsettle settled positions and lead to chaos.

7. 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.”

8. 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 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.

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 latches 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 latches, 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 latches on the part of the applicant in approaching a writ court.”

9. 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 two 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..... 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. A Coordinate Bench of this Court vide order dated 03.05.2013 in **Sandeep Kharab v. The State of Haryana and others, CWP No. 5965 of 2011**; order dated 04.09.2012 in **Bal Krishan v. State of Punjab and others, CWP No.18498 of 2011** and order 29.11.2012 in **Tarsem Pal v. Punjab State Power Corporation Limited and others, CWP No.13965 of 2010** has dismissed petitions on the ground that writ jurisdiction cannot be invoked at the will and convenience of the

litigant. Anyone who claims rights must be vigilant and he must enforce his rights within reasonable time.

11. In view of the abovesaid discussion and the settled legal position, this Court is of the considered opinion that the present petition is frivolous one and liable to be dismissed with exemplary costs, as there is a gross delay of 44 years on the part of the petitioner in filing the same.

12. Consequently, the instant petition is dismissed, with costs of Rs.50,000/- to be deposited with the High Court Lawyers' Welfare Fund within a period of three months from today.

18.03.2026	(NAMIT KUMAR)
R.S.	JUDGE
Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No