



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

CWP-8554-2026

Date of decision: 20.03.2026

Ravi Bhatia

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Neeraj Kumar, Advocate
for the petitioner.

Mr. Piyush Khanna, Addl.A.G., Haryana.

Mr. Vikrant Pamboo, Advocate
for respondents No.2 to 5.

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 the impugned order dated 19.01.2026 (Annexure P-13) passed by respondent No.3. Further, for issuance of a writ in the nature of *mandamus* directing the respondents to release the retiral benefits on the basis of last pay drawn on the basis of regular SDO in view of CWP No.5864 of 2011 titled as ***Hans Raj and others Vs. State of Haryana and another*** decided on 20.11.2013 and CWP No.17358 of 2015 titled as ***Jagjit Singh and others Vs. State of Punjab and others*** decided on 09.09.2016 and also to issue LPC on the basis of last pay drawn, to the petitioner.

2. Learned counsel for the petitioner *inter alia* contends that the pensionary benefits must be calculated on the basis of higher pay drawn while holding current duty charge in terms of the law laid down by this Court in CWP



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No.5864 of 2011 titled as ***Hans Raj and others Vs. State of Haryana and another*** decided on 20.11.2013. Further, the claim of the petitioner was rejected on the ground that the petitioner was not a party in the aforementioned writ petition and, therefore, is not entitled to the relief.

3. *Per contra*, learned counsel for respondents No.2 to 5 submits that the right of the petitioner crystallized in the year 2007 when he was holding the current duty charge of SDP and under the garb of the present petition, he cannot be allowed to revive his dead claim.

4. I have heard learned counsel for the parties and after perusal of record of the case with their able assistance, it transpires that admittedly, the petitioner has retired on 31.05.2008. The petitioner has remained indolent, whereas, the petitioners in the ***Hans Raj 's case (supra)*** were diligent and filed the writ petition in the year 2011 itself, as such, after retirement, there is no recurring cause of action.

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 indicated or a reasonable explanation is provided for the same. However, the facts of the matter at hand indicate otherwise. Learned counsel for the petitioner has failed to specify any compelling or extenuating circumstance which prevented him/her from approaching this Court for such a long time. Reference in this regard may be made to the judgment rendered by a three-Judges 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-Judges 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



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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.

9. 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

20.03.2026

Neha

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