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

CWP-8977-2026

Date of decision: 02.04.2026

Dharam Pal

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Additional A.G., Haryana.

Mr. Piyush Khanna, Advocate
for respondent No.3.**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 setting aside the order dated 15.01.2026 (Annexure P-6) passed by respondent No.2.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was appointed as Junior Engineer on adhoc basis on 29.07.1985 as discernible from Annexure P-1 and thereafter, he was regularized on 30.09.1988. The petitioner became eligible for promotion to the post of Municipal Engineer w.e.f. 20.05.2009, the date on which his juniors, 18 in number, were promoted. The departmental proceedings were initiated against the petitioner on 25.09.2008 and due to this pendency, he was never considered for promotion. The petitioner was exonerated of all charges on 14.01.2011, However, despite his exoneration, he was not granted promotion, whereas, his junior against whom, major penalty proceedings were pending, were promoted

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on 23.02.2017. The petitioner made representations on 22.07.2010 and 01.10.2015 (Annexure P-3) and served a legal notice on 18.05.2022 (Annexure P-4) which remained unheeded compelling him to approach this Court by filing CWP No.23712 of 2023 which was disposed of on 18.10.2023 (Annexure P-5) with a direction to the respondent to decide the legal notice of the petitioner.

2.1 In purported compliance, the respondents passed a speaking order and rejected his claim for promotion citing pendency of the earlier charge sheet and a criminal case.

2.2 Learned counsel for the petitioner relies upon the judgment of this Court passed in CWP No.625 of 1996 titled as ***Puran Singh Vs. State of Haryana and others*** decided on 08.10.2025 (Annexure P-7) and submits that denial of the promotion on mere pendency of a criminal case is arbitrary and unsustainable in law, as such, the petitioner has been subjected to discrimination by promoting his juniors and the rejection of the petitioner's claim for promotion is contrary to the judgment rendered by this Court in ***Puran Singh's case (supra)***.

3. Mr. Vikrant Pamboo, Additional A.G., Haryana opposes the prayer made by learned counsel for the petitioner on the ground that the juniors of the petitioner were promoted on 20.05.2009 and petitioner was facing a charge sheet on 25.09.2008. Thereafter, he was caught red handed accepting the bribe of Rs.60,000/- from one Rakesh Kumar and an FIR under the provisions of Prevention of Corruption Act was registered against the petitioner. The prosecution sanction has been issued and the criminal case is still pending. Further, the petitioner's right crystallized firstly on 20.05.2009 when his juniors

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were promoted and thereafter, on 23.02.2017; when another junior was promoted. However, he remained indolent and approached this Court only in the month of October, 2023. Further, the petitioner cannot be considered for his promotion after his retirement. Admittedly, the petitioner retired six years back on 30.01.2020.

4. Having heard learned counsel for the parties and after perusal of the record with their able assistance, it transpires that the cause of action of the petitioner had arisen firstly on 20.05.2009 when his juniors were promoted vide Annexure P-2 and, thereafter, when another junior was again promoted on 23.02.2017. The petitioner retired on 30.01.2020 and remained indolent and approached this Court in the month of October, 2023 by filing CWP No.23712 of 2023, as such, the petitioner cannot revive a dead claim by having his legal notice decided or by merely approaching this Court.

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 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-Judge 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-Judge 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 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 the present case, the Petitioner has approached this Court after a considerable lapse of time. Repeated representations will not keep the issues alive and no plausible explanation has been offered by learned counsel for the petitioner for the delay in filing the present petition.

10. 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

02.04.2026
Neha

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