



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

CWP-9924-2026

Date of decision: 06.04.2026

Kultar Singh and others

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Dheeraj Mahajan, Advocate
for the petitioners.

Mr. Vikas Arora, DAG, Punjab.

Mr. Sanjeev Soni, Advocate and
Mr. Sarthak Soni, 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 quashing the impugned order dated 22.07.2025 (Annexure P-15) and directing the respondent authorities to grant the benefit of re-fixation of pay scale w.e.f. the year 2000 as had already been granted to the similarly situated counterparts of the petitioners.

2. Learned counsel for the petitioners *inter alia* contends that the petitioners were initially appointed in the year 2000-2001, whereas, petitioners No.3 & 6 were appointed in the year 1999 on various posts in the Municipal Corporation, Amritsar on contractual and daily wages. All the petitioners were regularized on 04.04.2012. The primary grievance raised by the petitioners in the present writ petition is regarding the relief granted to the similarly situated



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counterparts on the basis of the award passed by the Industrial Tribunal bearing reference No.58 of 1996 titled as ***Nagar Nigam Colony Employees Union, Amritsar Vs. Commissioner Municipal Corporation, Amritsar and another*** which was allowed on 27.12.1999. The aforesaid award has attained finality and the respondent-Department has implemented the same vide order dated 23.12.2011 as discernible from Annexure P-2. Thereafter, the petitioners submitted a legal notice and sought parity with those employees. A speaking order was passed on 30.10.2015 (Annexure P-3) and 15.02.2016 (Annexure P-4). The petitioners have approached this Court by way of filing CWP No.10231 of 2017 titled as ***Sukhwinder Singh and others Vs. State of Punjab and others*** seeking the benefit of past service rendered as daily wager in the light of law laid down by the Division Bench of this Court in ***Harbans Lal Vs. The State of Punjab and others 2012 (3) SCT 362***. The writ petition filed by the petitioners was allowed and the intra Court appeal filed by the respondent(s) was dismissed. He further refers to Annexures P-9 and submits that 13 employees were also granted the benefit of re-fixation of salary w.e.f. 01.01.2000 in terms of the order passed by this Court in CWP No.17471 of 2017 and some of the similarly situated employees were granted the similar benefit on 11.05.2021 as discernible from Annexures P-8 & P-9. Thereafter, the petitioners served a legal notice on 10.12.2024 (Annexure P-12) which remained unheeded and the petitioners were compelled to approach this Court by filing CWP No.8821 of 2025.

3. In purported compliance, respondent No.3 passed the impugned order on 22.07.2025 (Annexure P-15) rejecting the claim of the petitioners on



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the ground that the earlier beneficiaries were employees of the Punjab Water Supply and Sewerage Board and their services were transferred/absorbed. As such, once the respondent-Corporation has given the benefit of re-fixation of salary w.e.f. 01.01.2000 to identically circumstanced employees, they cannot adopt the different yardstick in the case of the petitioners.

4. *Per contra*, learned counsel for the respondent-Corporation opposes the prayer made by learned counsel for the petitioners on the ground that the other employees were permanent employees of the Punjab Water Supply and Sewerage Board and were subsequently transferred and appointed to the respondent-Corporation on a contract basis. In this regard, they raised an industrial dispute by way of Reference No.58 of 1996 (*supra*), which was allowed by the Industrial Tribunal on 27.12.1999. As such, the petitioners are neither similarly situated nor were they parties to the aforesaid industrial dispute. Further, the right of the petitioners according to their own pleadings, firstly, crystallized on 23.12.2011; thereafter, on 30.10.2015 (Annexures P-2 & P-3, respectively) and lastly, on 11.05.2021 (Annexures P-8 & P-9), whereas, the petitioners have approached this Court by filing CWP No.8821 of 2025 at a belated stage and the claim raised by the petitioners suffers from the vice of delay and laches. Learned counsel for the respondent further refers to the judgment of this Court in ***Nagar Council, Mandi Gobindgarh Vs. Presiding Officer, Labour Court and others 2016 (4) SCT 544*** and submits that the award passed by the Industrial Tribunal cannot be treated as applicable to the present petitioners.

5. Having heard learned counsel for the parties and after perusal of



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the record, it transpires that the primary grievance is based upon the re-fixation of the pay scale w.e.f. 01.01.2000 as has been made in case of co-employees in terms of the award dated 27.12.1999 which was upheld by this Court in CWP No.7272 of 2000 titled as ***Municipal Corporation, Amritsar through its Commissioner Vs. Presiding Officer, Industrial Tribunal, Punjab, Chandigarh and others*** decided on 07.08.2009 (Annexure P-1) and has attained finality. Further, another set of employees who have approached this Court well in time, in the year 2017, were granted the benefits of revision of re-fixation of pay w.e.f. 01.01.2000, whereas, the petitioners have earlier approached this Court by way of filing CWP No.10231 of 2017 in which they have raised no claim regarding the re-fixation of pay w.e.f. 01.01.2000 and they had only made a prayer with regard to counting of the past service rendered as a daily wager for the purpose of calculating the same for qualifying service for pensionary benefits. As such, at this stage, the petitioners cannot be allowed to re-agitate the dead claim by filing the present writ petition or by seeking the decision on their legal notice dated 10.12.2024 (Annexure P-12).

6. 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)

7. 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.

8. 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.

9. 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.

10. 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.

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11. 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

06.04.2026*Neha*

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