



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

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CWP-13478-2021

Date of Decision: **23.03.2026**

Bhupinder Singh

.....Petitioner

**VERSUS**

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present : Mr. Gagneshwar Walia, Advocate for the petitioner.

Mr. Vikas Sonak, AAG Punjab-State.

Mr. D.S. Randhawa, Advocate for respondent No.4.

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**HARPREET SINGH BRAR, J. (Oral)**

1. The present writ petition has been filed under Article 226 of the Constitution of India with a prayer for issuance of an appropriate writ or order in the nature of *mandamus* for directing the respondents to consider and appoint the petitioner on compassionate grounds in view of the service rendered by late Sh. Satnam Singh, Fire Officer, deceased father of the petitioner who died in harness while working with Municipal Council, Khanna in terms of the policy/practice prevalent on the date of death of deceased employee, as the matter being squarely covered by the judgment of Full Bench of this Court in *Swaroop Chand Versus State of Haryana and*



*others 2015(12) SCT 600*. Further praying for issuance of a writ in the nature of *certiorari* for quashing the impugned order/inter departmental communication dated 07.04.2017 (Annexure P-6).

### **PETITIONER'S CONTENTIONS**

2. Learned counsel for the petitioner, *inter alia*, contends that the father of the petitioner was serving with respondent No.4-Municipal Council and retired from service on 30.04.2013 upon attaining the age of superannuation while holding the post of Fire Officer. Learned counsel further submits that thereafter he sought extension in service in terms of the applicable Government policy/instructions, which was duly granted for a period of one year, i.e., from 30.04.2013 to 30.04.2014. Subsequently, the father of the petitioner applied for a second extension for the period from 30.04.2014 to 30.04.2015, however, during the subsistence of the said extension period, he unfortunately died in harness on 04.10.2014, as is evident from the death certificate (Annexure P-1).

2.1 Learned counsel further submits that the petitioner, being the dependent of the deceased employee, promptly applied for compassionate appointment in March, 2015. The said claim was duly considered by respondent No.4-Municipal Council, which passed Resolution dated 08.07.2016 recommending the case of the petitioner for compassionate appointment and forwarded the same to respondent No.2-Directorate of Local Government for requisite approval.

2.2 Learned counsel further submits that, in the interregnum, the Government of Punjab, Department of Finance, issued instructions dated



27.12.2016 (Annexure P-5), whereby provision was made for grant of compassionate appointment to dependents of employees who died during the extended period of service between the age of 58 to 60 years, and the said instructions were given retrospective effect from 08.10.2012. Thus, the case of the petitioner squarely fell within the ambit of the said policy, and a vested right accrued in his favour for consideration of compassionate appointment in accordance therewith.

2.3 However, it is contended that the claim of the petitioner came to be rejected vide impugned order/communication dated 07.04.2017 (Annexure P-6) solely on the ground that the aforesaid instructions dated 27.12.2016 had been withdrawn on 29.03.2017. Learned counsel submits that such rejection is wholly arbitrary and legally untenable, inasmuch as the right of the petitioner had already crystallized upon issuance of the instructions and consideration of his case by the competent authority. The subsequent withdrawal of the policy could not operate retrospectively so as to divest the petitioner of his accrued and enforceable right to be considered for compassionate appointment.

### **RESPONDENTS' CONTENTION**

3. *Per contra*, learned counsel for respondent No.4 submits that the applicable policy governing compassionate appointments does not envisage grant of such appointment to the dependents of employees who die during the extended period of service between 58 to 60 years. He further submits that the claim of the petitioner was duly considered and rejected in the first instance on 12.03.2015, as is evident from Annexure R-4/2, and



thereafter again on 24.10.2016 (Annexure R-4/3), in exercise of powers under Section 236 of the Punjab Municipal Council Act, 1911.

3.1 Learned counsel further submits that there is no infirmity or illegality in the impugned action, as the same is in consonance with the prevailing policy and statutory provisions applicable at the relevant time. Learned counsel further submitted that the petitioner has approached this Court belatedly in July, 2021, after an inordinate and unexplained delay, and thus, the present writ petition is liable to be dismissed on the ground of delay and laches alone. On these grounds, it is prayed that the present writ petition, being barred by delay and laches, deserves to be dismissed.

### **OBSERVATIONS AND ANALYSIS**

4. I have heard learned counsel for the parties and have perused the record with their able assistance. It emerges that the petitioner's father, after his retirement on 30.04.2013, was granted extension in service and died in harness on 04.10.2014 during the extended period. The petitioner applied for compassionate appointment in March, 2015 and his case was duly recommended by respondent No.4.

4.1 It is, however, noteworthy that the claim of the petitioner is founded upon instructions dated 27.12.2016, which admittedly stood withdrawn vide subsequent instructions dated 29.03.2017. In such circumstances, no indefeasible or vested right can be said to have accrued in favour of the petitioner.



4.2 Further be that as it may, the impugned rejection order is dated 07.04.2017, whereas the present writ petition has been instituted only in July, 2021. The petitioner has failed to furnish any cogent or satisfactory explanation for the inordinate and unexplained delay in approaching this Court.

4.3 It is well settled that the extraordinary jurisdiction of this Court under Articles 226/227 of the Constitution of India is discretionary in nature and a person who approaches the Court after an inordinate and unexplained delay is not entitled to claim relief as a matter of right. The doctrine of delay and laches squarely applies in the present case, as the petitioners remained silent for a considerable period and woke up only after several years.

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 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. Reliance can also be placed on the judgment rendered by a Division bench of this Court in *Kartar Singh vs. Managing Director, HVPNL and others*, **CWP No.26962 of 2015** decided on 04.04.2018 as well as a Coordinate Bench of this Court in *Jai Narain Rohilla vs. Uttar Haryana Bijli Vitran Nigam Ltd* in **CWP-1167 of 2025** decided on 17.01.2025.

7. 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.

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8. Pending application(s), if any, shall also stand disposed of.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**23.03.2026**

*Puneet Chawla*

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No