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

**CWP-10085-2026**Date of Decision : **06.04.2026****VIVEK SINGH**

.....Petitioner

**VERSUS****STATE OF PUNJAB AND ORS**

.....Respondents

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Randhir Singh Manhas, Advocate,  
for the petitioner.

Mr. Tejinder Pal Singh Walia, AAG, Punjab.

**KULDEEP TIWARI, J. (Oral)**

1. This is a second round of litigation. Earlier, the petitioner had approached this Court by filing a civil writ petition bearing no.19685 of 2012 (Annexure P-5), which was disposed of vide order dated 03.10.2012, with a *mandamus* upon the authorities to decide the representation of the petitioners therein, by passing a speaking order within a period four months from the date of submission thereof.

2. The non-adherence to the directions issued vide order (*supra*), led the petitioner to file a contempt petition bearing no.1666 of 2013. During the pendency of the said contempt petition, a speaking order was passed by the authority concerned, on dated 21.02.2014 (Annexure P-6), whereby, the claim of the petitioner was rejected on the ground that one of the members of Joint *Khata* has been granted the employment.



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3. The petitioner after suffering the adverse order, chose not to challenge the same, rather, he seemed to be satisfied. Now, after a lapse of more than 12 years, the instant petition has been filed to test the legality of the speaking order (*supra*). No plausible reason, whatsoever, has been explained, through the writ petition, requiring this Court to condone such a huge delay.

4. At this juncture, it is noteworthy to record that, with the efflux of time, the law of limitation has evolved considerably, and it has been accepted that it may harshly affect a particular party, but it has to be applied with all its rigours. The Court shall not use its powers to extend the limitation on equitable grounds. The provisions of the Limitation Act may not be liberally construed, which will frustrate its very purpose. The Court has to adopt a pragmatic and rational approach, while dealing with the contention of delay. The Court has to delve into the issue, as to whether, the delay has been validly explained, and only thereafter, shall arrive at a decision, which, otherwise has attained finality.

5. The Hon'ble Supreme Court, through a pronouncement in *N. Balakrishnan v. M. Krishnamurty AIR 1998 SC 3222*, while putting in a narrow compass, interprets that the law of limitation has been formed on public policy. It is enshrined in the maxim *reipublicae interest ut sitis finis litium* (it is for the general welfare that a period be put to litigation). Further, the rules of limitations are not meant to destroy the rights of the parties, rather it is meant to ensure that parties do not resort to dilatory



tactics, and avail their remedy promptly. The relevant observations are as under:-

*“Rules of limitations are not meant to destroy the rights of parties. They are meant to see that parties do not resort to dilatory tactics, but seek their remedy promptly. The object of providing a legal remedy is to repair the damage caused by reason of legal injury. The law of limitation fixes a life-span for such legal remedy for the redress of the legal injury so suffered. Time is precious and wasted time would never revisit. During the efflux of time, newer causes would sprout up necessitating newer person to seek legal remedy by approaching the courts. So a time span must be fixed for each remedy. Unending period for launching the remedy may lead to unending uncertainty and consequential anarchy. The law of limitation is thus founded on public policy. It is enshrined in the maxim reipublicae interest ut sits finis litium (it is for the general welfare that a period be put to litigation). Rules of limitations are not meant to destroy the rights of the parties. They are meant to see that parties do not resort to dilatory tactics but seek their remedy promptly. The idea is that every legal remedy must be kept alive for a legislatively fixed period of time.”*

6. Apparently, the petition at hand is not only suffering from gross and inordinate delay, but the petitioner has also failed to explain the valid reasons, which restrained him from assailing the award all these years. It is a settled proposition of law, that delay defeats equity, and a person who approaches the Court belatedly, or sleeps over his rights for a considerable period of time, is not entitled to invoke the writ jurisdiction to claim extraordinary relief. This issue has already been examined by the



Hon'ble Supreme Court in **“Mrinmoy Maity Vs. Chhanda Koley and Ors.”, 2024 LiveLaw (SC) 318.**, wherein, it has been observed that:-

“12. It is apposite to take note of the dicta laid down by this Court in Karnataka Power Corportion Ltd. and another v. K. Thangappan and another, (2006) 4 SCC 322 whereunder it has been held that the High Court may refuse to exercise extraordinary jurisdiction if there is negligence or omissions on the part of the applicant to assert his right. It has been further held thereunder:

*“6. Delay or laches is one of the factors which is to be borne in mind by the High Court when they exercise their discretionary powers under Article 226 of 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 Prashad v. Chief Controller of Imports and Exports [(1969) 1 SCC 185 : AIR 1970 SC 769] . Of course, the discretion has to be exercised judicially and reasonably.*

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7. Likewise, in **“Bichitrananda Behera Vs. State of Orissa and Ors.”, 2023 AIR Supreme Court 5064**, the Hon'ble Supreme Court has held that delay and laches, especially in service matters, are vital, juxtaposed with the sign of acquiescence. The relevant paragraph is extracted hereunder:-

*“20. On an overall circumspection, thus, in the present case the Respondent No.5 should have been non-suited on*



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*the ground of delay and laches, which especially in service matters, has been held consistently to be vital, juxtaposed with the sign of acquiescence. To the mix, we add that the State has supported the factual circumstances concerning the appointment of the appellant, his continuance in service as also the Respondent No.5 having worked during the said period in another school viz. the Sri Thakur Nigamananda High School, Terundia. Notably, the Respondent No.5 does not, from the record before us, appear to have approached the authorities in the interregnum.”*

8. In conspectus of the path-breaking pronouncements (*supra*), on the subject of Law of Limitation, it is crystal clear that the matter at hand is not clothed with any extra-ordinary circumstance, which can persuade this Court to take a view otherwise.

9. On the anvil of the above, the instant petition is hereby, **dismissed** only on the ground of delay and laches.

**April 06, 2026**  
dharamvir

**(KULDEEP TIWARI)**  
**JUDGE**

|                            |   |        |
|----------------------------|---|--------|
| Whether speaking/reasoned. | : | Yes/No |
| Whether Reportable.        | : | Yes/No |