



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

132

CWP-10704-2026

Date of Decision: **08.04.2026**

Desh Raj

.....Petitioner

VERSUS

Managing Director, Dakshin Haryana Bijli Vitran Nigam Ltd and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Sandeep Thakan, Advocate for the petitioner.

Mr. Vikrant Pamboo, Advocate for the respondents.

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India with a prayer for issuance of an appropriate writ or order in the nature of *certiorari* for setting aside the impugned order dated 23.12.2025 (Annexure P-5) passed by respondent No.3 and directing the respondents to set up the pay of the petitioner at par to Sh. Lakhan Singh, Junior to the petitioner in view of the judgment dated 19.11.2025 (Annexure P-6) and release all the consequential benefits accrued in favour of petitioner.



PETITIONER'S CONTENTIONS

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner initially joined the respondent-department as a Bill Distributor on 30.09.1981 and was subsequently promoted as Lower Division Clerk (LDC) on 18.09.1987. Thereafter, upon qualifying the departmental accounts examination, he earned further promotion as Upper Division Clerk (UDC) on 29.07.1993 and ultimately retired from service as a Superintendent on 31.01.2016. It is contended that as per the seniority list of UDCs issued by the Chief Engineer, DHBVNL, dated 02.08.2001, the petitioner was placed at Sr. No. 471, whereas one Sh. Lakhan Singh, admittedly junior to the petitioner, was placed at Sr. No. 486, having been promoted as UDC on 22.09.1994. Further reliance is placed upon the seniority list of Head Clerk/Deputy Superintendent dated 11.07.2013, wherein the petitioner figures at Sr. No. 141, whereas the said junior is placed at Sr. No. 146 (Annexure P-1), thereby reaffirming the petitioner's seniority. It is further contended that despite being senior, the petitioner was not granted pay parity with his junior, who retired as Superintendent on 31.07.2017. The petitioner submitted representations dated 10.12.2024 (Annexure P-2) and 16.06.2025 (Annexure P-3) seeking stepping up of his pay and removal of anomaly; however, the said claim was rejected vide letter dated 23.12.2025 (Annexure P-5). In support of his claim, reliance has been placed upon the judgment rendered by this Court in ***Ranjit Singh Versus Punjab State Power***



Corporation Limited and others, CWP-10263-2014, decided on 19.11.2025

(Annexure P-6).

RESPONDENTS' CONTENTION

3. *Per contra*, learned counsel for the respondents submits that the petitioner admittedly retired from service on 31.01.2016 and, as per his own pleadings, raised the grievance for the first time by way of representations dated 10.12.2024 and 16.06.2025 (Annexures P-2 and P-3), i.e., after an inordinate delay of more than eight years from the date of retirement. It is contended that no cause of action survives to the petitioner after such a prolonged lapse of time and the filing of belated representations cannot revive a stale or dead claim. It is further submitted that the writ petition suffers from gross delay and laches, which has neither been explained nor justified in the pleadings, and on this ground alone, the petition deserves outright dismissal.

OBSERVATIONS AND ANALYSIS

4. Having heard learned counsel for the parties and upon perusal of the record, this Court finds that the petitioner retired from service on 31.01.2016 and has approached this Court only after issuance of representations in the years 2024 and 2025. There is no cogent explanation forthcoming as to why the petitioner remained silent for such a long period. It is a settled proposition of law that stale claims cannot be agitated under writ jurisdiction, particularly when the same are sought to be revived merely by way of belated representations.



5. Even otherwise, the claim of stepping up of pay is essentially a service-related dispute, which ought to have been raised during the subsistence of service or within a reasonable time thereafter. The petitioner, by his own conduct, has acquiesced in the position as it stood at the time of his retirement.

6 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.

7. 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)

8. 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

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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.

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.

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

(HARPREET SINGH BRAR)
JUDGE

08.04.2026
Puneet Chawla

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