

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

Date of decision: 16.04.2026

...Petitioners

Versus

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aditya Dassaur, Advocate
for the petitioners.

Mr. Amit Shukla, DAG, Punjab.

Ms. Shreya Bublani, Advocate
for respondent No.2.

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 *mandamus* directing the respondents to treat the petitioners as falling outside the purview of the circular dated 29.07.2003 (Annexure P-1) and to recalculate their pension commutation benefits in accordance with the commutation table that was in effect prior to 29.07.2003 i.e. as per the commutation table prescribed under Chapter XI of the Punjab Civil Services Rules Vol.II which was based on an interest rate 4.75% per annum. Further, to calculate and pay the petitioners the differential amount and excess commutation value payable to them in accordance with the old commutation table as against the commutation value already received or calculated under the impugned circular together with interest thereon at the applicable rates from the date of retirement of each



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petitioner until actual payment. Further, for directing the respondents that the circular dated 31.10.2006 shall be applied to the petitioners retrospectively to cover their periods of retirement between July 31, 2003 and October 30, 2006.

2. Learned counsel for the petitioners *inter alia* contends that the petitioners retired from the respondent-Corporation between 31.07.2003 and 30.10.2006. The State of Punjab issued a circular on 29.07.2023 (Annexure P-1) prescribing a new commutation table based on 8% interest (instead of the earlier 4.75%) which adversely effected the petitioners and other employees retiring on or after 31.07.2003. The petitioners Pension Payment Orders (PPOs) were issued under the impugned table (Annexures P-2 to P-10). On 31.10.2006, the State restored the old 4.75% table but only prospectively. Identically circumstanced employees filed CWP No.15554 of 2007 titled as ***Gian Chand and others Vs. State of Punjab and other*** along with bunch of cases by challenging the circular dated 29.07.2003 which was allowed by this Court on 23.12.2025 as discernible from Annexure P-11, wherein, it has been held that the circular dated 29.07.2003 would not apply to the petitioners therein directing the re-calculation under the old table. The petitioners being similarly situated have filed the present writ petition seeking the same relief.

3. *Per contra*, Ms. Shreya Bublani, Advocate puts in appearance and files her *vakalatnama* on behalf of respondent No.2 in the Court today which is taken on record and opposes the prayer made by learned counsel for the petitioners on the ground that the petitioners are fence sitters who have approached this Court after a gap of more than 22 years from the issuance of the circular dated 29.07.2003 and only after a favourable order was passed on



23.12.2025 by the Division Bench of this Court in ***Gian Chand's case (supra)***. She further submits that the Division Bench, in para 35 of the judgment, has categorically refused to quash the circular dated 29.07.2003 on the ground that many employees had not challenged the aforesaid circular and, as such, this Court, on the ground of delay and laches, refused to pass an order in favour of all identically circumstanced employees and confined the relief only to the petitioner(s) therein.

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 arose on 29.07.2003 when the circular (Annexure P-1) issued prescribing a new table based on 8% interest. However, the petitioners at no point of time have even made a representation to the respondent-Corporation or approached this Court. Further, this issue has already been considered by the Division Bench of this Court in ***Gian Chand's case (supra)*** and observed the following:-

“33. We are only considering the scope and impact of the Circular for the petitioners before us, not for others, including those who are or were fence-sitters and never lodged any grievances.

34. Without making any further statements or judgments, justice would be served if it is clarified that the Circular dated July 29, 2003, shall not apply to the petitioners in the present writ petitions.

35. Given the above, there is no need for this court to quash the circular itself because many employees to whom it would have applied never challenged it. Moreover, if any commutation is awarded to them, then it must be recovered till date as more than 19 years period has already elapsed. If they had any grievances, they would no doubt have sought redress, but they did not. This



court does not intend to dispense justice on its own; instead, justice occurs naturally, because it is not a matter involving illiterate villagers or uneducated individuals, but rather well-educated government employees familiar with the rules and their consequences. Therefore, for these reasons, we are not commenting on the validity but clarifying that the Circular dated July 29, 2003 shall not be applicable to the petitioners. The amount the petitioners had commuted will be re-evaluated and counted according to the old table that was in effect on July 28, 2003, not the table that came into force with the Circular dated July 29, 2003.

In view of the aforesaid authoritative pronouncement, this Court is bound by the judgment of the Division Bench in ***Gian Chand's case (supra)*** and cannot take a view contrary thereto.

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

16.04.2026
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No