

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

CWP-11140-2026

Date of decision: 10.04.2026

Aman Kumar

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep Parkash Chahar, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Advocate
for respondents No.2 to 5.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the action of the respondents rejecting the claim of the petitioner for appointment on the ground of delay and laches vide reply dated 30.01.2026 (Annexure P-14). Further, for issuance of a writ in the nature of *mandamus* directing the respondents to grant appointment to the petitioner as more than 02 acres of land of petitioner's family has been acquired by the respondents along with all other consequential and attended benefits including payment of arrears of pay.

2. Learned counsel for the petitioner *inter alia* contends that the respondent-State of Haryana issued a notification dated 16.01.2007 under Section 4 of the Land Acquisition Act, 1894 for acquisition of land for setting up a thermal power project. The land of the petitioner's family measuring more than 02 acres was also acquired. The Government of Haryana



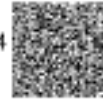
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implemented a policy and granting employment to one member of the family whose 02 acres or more land was acquired. The petitioner's father, uncle and aunt gave their affidavits on 09.08.2024 and 16.08.2024 stating that they have no objection if a job is granted to the petitioner in lieu of the acquired land as discernible from Annexures P-7 to P-9. The petitioner served a legal notice on 27.11.2025 (Annexure P-13). However, the respondents rejected the petitioner's claim on the ground that the Special Dispensation Scheme has been closed. Learned counsel for the petitioner further submits that 341 Class-III posts and sufficient Class-IV posts are still available for land oustees.

3. *Per contra*, learned counsel for respondents No. 2 to 5 submits that the claim of the petitioner is hopelessly time-barred and that he remained indolent for a considerable period. The policy was introduced in the year 2007 and as per his own pleadings, the petitioner has approached this Court seeking appointment under the said policy only in the year 2024, after a gap of 17 years. This Court has already considered similar delayed claims by land oustees and dismissed their writ petitions, bearing **CWP No.2536 of 2025** titled as **Satbir Vs. HPGCL and others**, **CWP No.2986 of 2025** titled as **Munish Kumar Vs. SoH and others**, **CWP No.2987 of 2025** titled as **Nitish Vs. SoH and others** and **CWP No.3031 of 2025** titled as **Raj Kumar Vs. SoH and others**.

4. Having heard learned counsel for the parties and after perusal of the record of the case with their able assistance, it transpires that the petitioner approached the respondents seeking employment in the year 2024 in terms of the policy dated 05.07.2007 as discernible from Annexures P-7 to P-9. The petitioner remained indolent for a period of 17 years, despite another policy



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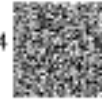
announcement made by the Government of Haryana in the year 2014.

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

10.04.2026
Neha

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