



CWP-11362-2026

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

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CWP-11362-2026 (O&M)
Date of decision : 14.05.2026

EX HEAD CONSTABLE LUBHAYA MASIH

..... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present :- Mr. Raj Kumar Arya, Advocate
for the petitioner.

Deepinder Singh Nalwa, J. (Oral)

1. In the present writ petition, the petitioner has challenged the order dated 02.01.2014 (Annexure P-1) passed by respondent No.5, vide which the petitioner has been dismissed from service. The petitioner has also challenged the orders dated 27.03.2014 (Annexure P-2) passed by respondent No.4 and 29.09.2014 (Annexure P-3) passed by respondent No.3, whereby the appeal and revision petition filed by the petitioner against the dismissal order dated 02.01.2014 (Annexure P-1) have been dismissed.

2. Brief facts of the case are that the petitioner was recruited on the post of Constable in Punjab Police in the year 1992. A complaint was received against the petitioner in respect of 8th class certificate furnished by

him at the time of his appointment. In the complaint, it was alleged that the

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certificate submitted by the petitioner was fake. In light of the above said complaint, the departmental proceedings were initiated against the petitioner. The petitioner was served with a charge-sheet to which petitioner duly filed his reply. However, the reply filed by the petitioner was not found to be credit worthy. As a consequence, an Inquiry Officer was appointed to inquire into the charges levelled against the petitioner. The Inquiry Officer, after conducting the inquiry, held charges proved against the petitioner.

3. The punishing authority accepted the findings given by the Inquiry Officer in the inquiry report passed an order dated 02.01.2014 (Annexure P-1) whereby, the petitioner was dismissed from service. Aggrieved against the above said dismissal order, the petitioner preferred an appeal before the appellate authority, which was dismissed vide order dated 27.03.2014 (Annexure P-2). Aggrieved against the order of dismissal and the order passed by the Appellate Authority, the petitioner preferred the revision petition before the competent authority. The said revision petition was also dismissed vide order dated 29.09.2014. (Annexure P-3). Aggrieved against the dismissal order dated 02.01.2014 (Annexure P-1) and subsequent orders dated 27.03.2014 (Annexure P-2) and 29.09.2014 (Annexure P-3), upholding the order of punishment, the petitioner has approached this Court by way of filing present writ petition.

4. Learned counsel appearing on behalf of the petitioner submits that the impugned orders passed by the respondents are not sustainable in the eyes of law, as while passing the impugned orders, the respondents had not taken into consideration the length of service rendered by the petitioner,

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which is a mandatory requirement in terms of Rule 16.2 of the Punjab Police Rules, 1934, as such, the impugned orders are liable to be set aside.

5. Notice of motion.

6. Mr. Rohit Ahuja, DAG, Punjab, accepts notice on behalf of respondents and submits that the present writ petition is liable to be dismissed on the ground of delay and laches. He submits that the order of dismissal of petitioner from service was passed in the year 2014 and the petitioner has approached this Court after almost 12 years from the date of passing of the said order. Learned State counsel also submits that an FIR No.46 was registered against the petitioner by the department on 20.03.2013 under Sections 420/467/468/471 of IPC, wherein, the petitioner has been convicted vide judgment dated 06.11.2017 and has been sentenced to undergo rigorous imprisonment for 03 years along with a fine of Rs.2000/-. It has also been submitted by the learned counsel that against the above said judgment dated 06.11.2017, a criminal revision was also filed before this Court by the petitioner which has been disposed of vide order dated 28.08.2019, whereby, while maintaining the conviction, the sentence of the petitioner was reduced to the period already undergone by him.

7. After hearing the learned counsel for the parties at some length, a perusal of the facts of the present case would show that the petitioner was dismissed from service vide order dated 02.01.2014 (Annexure P-1). The appeal and the revision petition filed by the petitioner were also dismissed on 27.03.2014 (Annexure P-2) and 29.09.2014 (Annexure P-3) respectively.

The present writ petition has been filed after an inordinate delay of almost



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12 years. No explanation has been given by the petitioner in regard to approaching this Court after such an inordinate delay.

8. It is well-settled law that where there is an inordinate delay in filing the writ petition, the writ petition should not ordinarily be entertained. A perusal of the facts of the present case would show that no explanation has been given by the petitioner in knocking the doors of this Court after such an inordinate delay.

9. **In State of M.P. and others vs. Nandlal Jaiswal and others, (1986) 4 SCC 566**, the Supreme Court has held that the power of the High Court to issue an appropriate writ under Article 226 of the Constitution of India is discretionary and that the High Court in the exercise of its discretionary power would not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there was inordinate delay on the part of the petitioner in filing of the writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction. The relevant extract of the judgment in ***Nandlal Jaiswal's case (supra)*** reads as under:-

“24. Now, it is well settled that the power of the High Court to issue an appropriate writ under Article 226 of the Constitution is discretionary and the High Court in the exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction. The evolution of this rule of laches or delay is premised upon a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy under the writ jurisdiction because it is likely to cause confusion and public inconvenience and bring in its train new injustices. The rights of third parties may intervene and if the writ



jurisdiction is exercised on a writ petition filed after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. When the writ jurisdiction of the High Court is invoked, unexplained delay coupled with the creation of third party rights in the meanwhile is an important factor which always weighs with the High Court in deciding whether or not to exercise such jurisdiction. We do not think it necessary to burden this judgment with reference to various decisions of this Court where it has been emphasised time and again that where there is inordinate and unexplained delay and third party rights are created in the intervening period, the High Court would decline to interfere, even if the State action complained of is unconstitutional or illegal. We may only mention in the passing two decisions of this Court one in Ramanna Dayaram Shetty v. International Airport Authority of India, (1979)3 SCR 1014 and the other in Ashok Kumar v. Collector, Raipur, (1980)1 SCR 491. We may point out that in R.D. Shetty's case (supra), even though the State action was held to be unconstitutional as being violative of Article 14 of the Constitution, this Court refused to grant relief to the petitioner on the ground that the writ petition had been filed by the petitioner more than five months after the acceptance of the tender of the fourth respondent and during that period, the fourth respondent had incurred considerable expenditure, aggregating to about Rs.1.25 lakhs, in making arrangements for putting up the restaurant and the snack bar. Of course, this rule of laches or delay is not a rigid rule which can be cast in a straitjacket formula, for there may be cases where despite delay and creation of third party rights the High Court may still in the exercise of its discretion interfere and grant relief to the petitioner. But such cases where the demand of justice is so compelling that the High Court would be inclined to interfere in spite of delay or creation of third party rights would by their very nature be few and far between. Ultimately it would be a matter within the discretion of the Court; ex hypothesi every discretion must be exercised fairly and justly so as to promote justice and not to defeat it."

10. In **New Delhi Municipal Council vs. Pan Singh and others,** **(2007) 9 SCC 278**, the Supreme Court held that though there is no period of limitation provided for filing of a writ petition under Article 226 of the Constitution of India but ordinarily a writ petition should be filed within a



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reasonable time and that discretionary relief may not be exercised in favour of those who approach the Court after a long time especially when there is no explanation offered for such delay. Paragraphs 15 and 16 of **Pan Singh's case (supra)** are reproduced below:-

“15. There is another aspect of the matter which cannot be lost sight of. Respondents herein filed a Writ Petition after 17 years. They did not agitate their grievances for a long time. They, as noticed herein, did not claim parity with the 17 workmen at the earliest possible opportunity. They did not implead themselves as parties even in the reference made by the State before the Industrial Tribunal. It is not their case that after 1982, those employees who were employed or who were recruited after the cut-off date have been granted the said scale of pay. After such a long time, therefore, the Writ Petitions could not have been entertained even if they are similarly situated. It is trite that the discretionary jurisdiction may not be exercised in favour of those who approach the Court after a long time. Delay and laches are relevant factors for exercise of equitable jurisdiction.

16. Although, there is no period of limitation provided for filing a Writ Petition under Article 226 of the Constitution of India, ordinarily, Writ Petition should be filed within a reasonable time.”

11. Taking into consideration the fact that the petitioner has approached this Court after an inordinate delay of almost 12 years and no explanation has been given by the petitioner in regard to approaching this Court after such an inordinate delay and aforesaid law laid down by Hon'ble the Supreme Court, without going into the merits of the case, the present writ petition is dismissed on the ground of delay and laches.



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

14.05.2026
Rimpal

(DEEPINDER SINGH NALWA)
JUDGE

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