



CWP-12864-2019

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

(246)

CWP-12864-2019

Date of Decision : 20.01.2026

Ravinder Kumar and others

...Petitioners

Versus

Deputy General Manager, Canara Bank and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Ekakshra Mahajan, Advocate
for the petitioners.

Mr. Nitin Gupta, Advocate
for the respondent-Bank.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, cast under Article 226 of the Constitution of India, the petitioners/workmen, fetching grievance from the award dated 25.04.2014 (Annexure P-8), passed by the respondent No.2, has thrown challenge to the impugned award, wherethrough, the reference was partially answered in favour of some of the workmen. However, qua the present petitioners/workmen, the reference was answered against them.

2. Perusal of the award (supra), reflects that claim of 19 workmen was decided collectively through the impugned award. The award was passed way back in the year 2014, whereas, the instant writ petition was filed after a period of five years from the date of passing of the award, i.e. in the year 2019.



3. At the very outset, this Court has posed a specific query to the learned counsel for the petitioners, as to why, the petitioners took more than 05 years to assail the award (supra). In response, she makes all possible endeavour to persuade this Court that the delay occurred in impugning the award (supra), is on account of *bonafide* reasons. No reason, much less plausible, is embodied in the paper book, except a reference to a decision drawn by the Coordinate Bench of this Court.

4. Learned counsel for the petitioners submits that the issue with regard to delay and latches, as involved in the instant petition, has already been decided by Coordinate Bench of this Court in **CWP-6535-2017** titled '**Kasturi Lal vs. Municipal Corporation, Amritsar and others**' and other connected petitions, whereupon, a bunch of petitions was decided on 06.08.2024.

5. This Court has examined the instant petition. There is not even a single averment made therein, which could explain the delay of 05 years, in approaching this Court, seeking quashing of the award (supra). Merely, the issue has been decided by Coordinate Bench of this Court, in the judgment (supra), does not entitle the petitioners to revive a dead and stale issues. The petitioners, whose responsibility is at least to explain the cause of gross and inordinate delay, however, no such averment has been mentioned in the instant petition, thereof.

6. In such a situation, this Court finds no good reason to condone the gross, inordinate and unexplained delay of 05 years, and proceed with the matter. Apparently, it seems that the petitioners have made an attempt to resurrect the dead claim, and to take a plea before this Court that he had been pursuing his cause diligently.



7. 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 rigors. 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 aggravate 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.

8. The Hon'ble Supreme Court, through a pronouncement in ***N. Balakrishnan v. M. Krishnamurthy AIR 1998 SC 3222***, while putting in a narrow compass, interprets that the law of limitation is 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). Further, the rules of limitations are not meant to destroy the rights of the parties, but 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."

9. As referred to above, the petition at hand is not only suffering from gross and inordinate delay, but the petitioners have also failed to explain the valid reasons, which restrained them 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 observed:-*

"12. It is apposite to take note of the dicta laid down by this Court in Karnataka Power Corporation 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 latches 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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10. 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 latches, 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 the ground of delay and latches, 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.”

11. Learned counsel for the petitioners fairly concedes that the impugned award was earlier put to challenge by the respondent-Bank, by filing CWP-25233-2014, before this Court. However, the said petition was dismissed by the Coordinate Bench of this Court, by drawing an order dated 03.06.2016 (Annexure P-9), and therefore, the impugned award has attained finality. She further submits the an intra Court appeal, bearing LPA No.1838-2016, arising out of the said order, is pending adjudication before this Court.

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

13. Since learned counsel for the petitioners is unable to satisfy this Court any plausible grounds to entertain the instant writ petition, after a delay

of five years, from the date of passing of the award, therefore, the instant writ petition deserves to be **dismissed on account of delay and latches**.

14. Ordered accordingly

(KULDEEP TIWARI)
JUDGE

January 20, 2026
Manpreet

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