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

CWP-13044-2026

Date of decision: 29.04.2026

Hari Chand

...Petitioner

Versus

The Punjab Agro Industries Corporation Limited and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Arkash Mani Garg, Advocate
for the petitioner.

Mr. Ankush Aggarwal, Advocate
for the respondents (through V.C.).

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 grant the petitioner notional promotion to the post of Technical Assistant (Grade-1) from the dates his juniors got promoted. Further, directing the respondents for notional pay fixation of the petitioner in accordance with the date of notional promotion to the post of T.A. (Grade-1) as per the dates of promotions of his juniors to the said post, to provide arrears of the notional pay fixation of the petitioner as per fresh deemed date of notional promotion along with interest @ 12% per annum and to grant revised pensionary benefits to the petitioner as per notional promotion to the post of T.A. (Grade-1) which arrears along with interest @ 12% per annum.

2. Learned counsel for the petitioner *inter alia* contends that the denial of promotion and service extension due to a pending criminal case where

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no charges have been framed and a cancellation report has been filed is illegal and arbitrary. The impugned action is in contravention of the settled law that promotion cannot be withheld without a charge sheet or framing of charges. The respondents' actions have caused curtailment of the petitioner's fundamental rights and have led to loss of legitimate career progression and pensionary benefits. He further relies upon the judgment of the Hon'ble Supreme Court pass in ***Union of India vs. K.V. Jankiraman (1991) 4 SCC 109*** and submits that in the absence of charge sheet or order framing charges, the impugned action of the respondents is not sustainable.

3. Learned counsel for the respondents submits that the legal notices submitted by the petitioner would be considered and an appropriate order would be passed.

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 retired on 28.02.2017. One FIR No.6 dated 10.01.2014 was registered under Sections 409/420/120-B of IPC. After investigation, a report was sent by the jurisdictional police authorities recommending the cancellation report. A cancellation report was submitted before the learned Judicial Magistrate 1st Class, Dhuri 29.08.2016. The cancellation report remained pending for the complainant's appearance and thereafter, further investigation was ordered and then it has been adjourned *sine die*. The petitioner's application for service extension was declined on 28.02.2017 (Annexure P-8) citing the pendency of the charge sheet. Although, no charge has ever been framed against the



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petitioner nor any show cause notice has been issued. However, this Court cannot consider the prayer made by learned counsel for the petitioner at this stage after a delay of 09 years of the retirement of the petitioner. The petitioner has claimed to have approached the respondents on 20.03.2017 by serving a legal notice (Annexure P-12) and thereafter, another legal notice was served on 27.01.2026 (Annexure P-13). In spite of the fact that the legal notices remained unheeded for indefinite period yet the petitioner has never approached this Court seeking his promotion from the date his junior was promoted.

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

29.04.2026
Neha

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