

CWP-13490 of 2026

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

CWP-13490 of 2026
Date of decision: 12.05.2026

Balwinder Singh

....Petitioner

versus

State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. A.S. Nirmaan, Advocate,
for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has invoked the writ jurisdiction of this Court under Articles 226/227 of the Constitution of India, seeking issuance of a writ of mandamus directing the respondents to consider the claim of the petitioner for appointment to the post of Physical Education Lecturer in the light of high merit (72.125 marks) secured by him in the selection process initiated vide advertisement dated 21.10.2006 (Annexure P-1) and to grant the petitioner notional appointment, continuity of service and all consequential benefits (including seniority) with effect from the date candidates lower in merit to the petitioner were appointed, in terms of judgment of this Court dated 13.08.2008 passed in CWP-19688 of 2006 (Annexure P-4).

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2. The case set up by the petitioner is that pursuant to the advertisement dated 21.10.2006 (Annexure P-1), whereby 651 posts of Lecturers were advertised, out of which two were meant for SC (R&O) category, the petitioner applied under the SC(R&O) category. A final merit list was issued on 26.11.2006 (Annexure P-3), however, name of the petitioner did not figure in the said merit list. In the meanwhile, petitioner was appointed as Physical Education Teacher on contract basis, vide appointment letter dated 18.11.2010 (Annexure P-10), and subsequently, his services were regularised vide order dated 04.07.2019 (Annexure P-11). Thereafter, petitioner submitted representation dated 12.12.2025 (Annexure P-13) seeking appointment to the post of Lecturer in pursuance of advertisement dated 21.10.2006 (Annexure P-1). It is further the case of the petitioner that denial of appointment to the post of Lecturer constitutes a continuing and recurring wrong, as persons lower in merit are continuing on the higher post. The petitioner also relies upon Government memorandum dated 29.12.2025 (Annexure P-14), whereby directions were issued for consideration of petitioner's claim, however, no decision has been taken thereon by the respondents. Hence, the present writ petition.

3. Learned State counsel submits that the present writ petition is liable to be dismissed on the ground of gross delay and laches, as the petitioner has approached this Court after about 20 years from the conclusion of selection process pursuant to advertisement dated 21.10.2006. It is further submitted that the petitioner had already

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accepted appointment as Physical Education Teacher and his services were regularised thereafter, thus, no interference is warranted in this petition.

4. I have heard learned counsel for the parties and perused the record.

5. Admittedly, the selection process pursuant to advertisement dated 21.10.2006 attained finality upon issuance of the final merit list dated 26.11.2006, whereas the petitioner has chosen to submit representation only on 12.12.2025 and thereafter filed the present writ petition on 30.04.2026, after an unexplained delay of about 19/20 years. In the interregnum, the petitioner not only accepted appointment as Physical Education Teacher on contractual basis, vide appointment letter dated 18.11.2010, but his services were also regularised, vide order dated 04.07.2019. The plea of continuing cause of action cannot be accepted in the facts and circumstances of the present case as the challenge pertains to a concluded selection process which attained finality long ago. Mere pendency of representation or issuance of inter-departmental communication would not revive a stale and dead claim. Entertaining such a belated claim at this stage would unsettle settled rights and disturb the finality attached to the recruitment process.

6. The Hon'ble Supreme Court in ***Yunus (Baboobhai) A Hamid Padvekar Vs. State of Maharashtra Through its Secretary and others : 2009 (2) SCT 24***, while referring to the issue of delay and laches, had held as follows:-



“8. Delay or laches is one of the factors which is to be borne in mind by the High Courts when they exercise their discretionary powers under Article 226 of the Constitution of India, 1950 (in short 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 Prasad v. Chief Controller of Imports and Exports (AIR 1970 Supreme Court 769)**. Of course, the discretion has to be exercised judicially and reasonably.

9. What was stated in this regard by Sir Barnes Peacock in **Lindsay Petroleum Company v. Prosper Armstrong Hurde etc., (1874) 5 PC 221** at page 239 was approved by this Court in **Moon Mills Ltd. v. Industrial Courts, (AIR 1967 SC 1450)** and **Maharashtra State Transport Corporation v. Balwant Regular Motor Service (AIR 1969 Supreme Court 329)**, Sir Barnes had stated:

"Now the doctrine of laches in Courts of Equity is not an arbitrary or technical doctrine. Where it would be practically unjust to give a remedy either because the party has, by his conduct done that which might fairly be regarded as equivalent to a waiver of it, or where by his conduct and neglect he has though perhaps not waiving that remedy, yet put the other party in a situation in which it would not be reasonable to place him if the remedy were afterwards to be asserted, in either of these cases, lapse of time and delay are most material. But in every case, if an argument against relief, which otherwise would be just, if founded upon mere delay, that delay of course not amounting to a bar by any statute of limitation, the validity of that defence must be tried upon principles substantially equitable. Two circumstances always important in such cases are, the length of the delay and the nature of the acts done during the interval which might affect either party and cause a balance of justice or injustice in taking the one course or the other, so far as relates to the remedy."



10. *It would be appropriate to note certain decisions of this Court in which this aspect has been dealt with in relation with Article 32 of the Constitution. It is apparent that what has been stated as regards that Article would apply, a fortiori, to Article 226. It was observed in **R.N Bose v. Union of India (AIR 1970 Supreme Court 470)** that no relief can be given to the petitioner who without any reasonable explanation approaches this Court under Article 32 after inordinate delay. It was stated that though Article 32 is itself a guaranteed right, it does not follow from this that it was the intention of the Constitution makers that this Court should disregard all principles and grant relief in petitions filed after inordinate delay.*

11. *It was stated in **State of M.P. v. Nandlal (AIR 1987 Supreme Court 251)** that the High Court in 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 and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in exercise of its writ jurisdiction. It was stated that this rule is premised on a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy because it is likely to cause confusion and public inconvenience and bring in its trail new injustices, and if writ jurisdiction is exercised after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. It was pointed out that when writ jurisdiction is invoked, unexplained delay coupled with the creation of third party rights in the meantime is an important factor which also weighs with the High Court in deciding whether or not to exercise such jurisdiction.*

12. *In view of the aforesaid position we are not inclined to interfere in this appeal which is dismissed accordingly.”*

7. Further the Hon’ble Supreme Court in **State of Uttaranchal and another Vs. Sri Shiv Charan Singh Bhandari and others, 2013(12) SCC 179**, while considering the issue regarding delay and

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laches and referring to earlier judgments on the issue, opined that repeated representations made will not keep the issues alive. A stale or a dead issue/dispute cannot be revived even if such a representation has been decided either 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 disentitle him from receiving the benefit that had been granted to others. Article 14 of the Constitution of India would not be attracted as it is well established principle that the law favours those who are alert and vigilant. Even equality has to be claimed at the right juncture and not on expiry of reasonable time. Even if there is no period prescribed for filing the writ petition under Article 226 of the Constitution of India, yet it should be filed within a reasonable time. Though it is not a strict rule, the courts can always interfere even subsequent thereto, but relief to a person, who allows things to happen and then approach the court and puts forward a stale claim and try to unsettle settled matters, can certainly be refused on account of delay and laches. Anyone who sleeps over his rights is bound to suffer the consequences. An employee who remains dormant like a ‘Rip Van Winkle’ and awakens from his slumber at his own convenience, cannot claim relief, as such conduct justifies denial on the ground of delay and laches. Relevant paragraphs from the aforesaid judgment are extracted below:



“13. We have no trace of doubt that the respondents could have challenged the ad hoc promotion conferred on the junior employee at the relevant time. They chose not to do so for six years and the junior employee held the promotional post for six years till regular promotion took place. The submission of the learned counsel for the respondents is that they had given representations at the relevant time but the same fell in deaf ears. It is interesting to note that when the regular selection took place, they accepted the position solely because the seniority was maintained and, thereafter, they knocked at the doors of the tribunal only in 2003. It is clear as noon day that the cause of action had arisen for assailing the order when the junior employee was promoted on ad hoc basis on 15.11.1983. In **C. Jacob v. Director of Geology and Mining and another, 2008(4) SCT 604 : (2008) 10 SCC 115**, a two-Judge Bench was dealing with the concept of representations and the directions issued by the court or tribunal to consider the representations and the challenge to the said rejection thereafter. In that context, the court has expressed thus:-

“Every representation to the Government for relief, may not be replied on merits. Representations relating to matters which have become stale or barred by limitation, can be rejected on that ground alone, without examining the merits of the claim. In regard to representations unrelated to the Department, the reply may be only to inform that the matter did not concern the Department or to inform the appropriate Department. Representations with incomplete particulars may be replied by seeking relevant particulars. The replies to such representations, cannot furnish a fresh cause of action or revive a stale or dead claim.”

14. xx xx xx xx

15. xx xx xx xx

16. xx xx xx xx

17. In **Bharat Sanchar Nigam Limited v. Ghanshyam Dass (2) and others, 2011(2) SCT 712 : (2011) 4 SCC 374**, a three-Judge Bench of the Hon'ble Supreme Court reiterated the principle stated in **Jagdish Lal Vs. State of Haryana, 1998(1) SCT 26: (1997) 6 SCC 538** and



proceeded to observe that as the respondents therein preferred to sleep over their rights and approached the tribunal in 1997, they would not get the benefit of the order dated 07.07.1992.

18. *In State of T. N. v. Seshachalam, 2007(4) SCT 472 : (2007) 10 SCC 137, this Court, testing the equality clause on the bedrock of delay and laches pertaining to grant of service benefit, has ruled thus:-*

“... filing of representations alone would not save the period of limitation. Delay or laches is a relevant factor for a court of law to determine the question as to whether the claim made by an applicant deserves consideration. Delay and/or 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 would not, in a situation of that nature, be attracted as it is well known that law leans in favour of those who are alert and vigilant.

19. xx xx xx xx

20. *In New Delhi Municipal Council v. Pan Singh and others, 2007(2) SCT 601 : (2007) 9 SCC 278, the Court has opined that though there is no period of limitation provided for filing a writ petition under Article 226 of the Constitution of India, yet ordinarily a writ petition should be filed within a reasonable time. In the said case the respondents had filed the writ petition after seventeen years and the court, as stated earlier, took note of the delay and laches as relevant factors and set aside the order passed by the High Court which had exercised the discretionary jurisdiction.”*

8. In a recent judgment by a Division Bench of this Court in ***Ram Kumar Vs. State of Haryana and others : 2022 (3) SCT 346***, while rejecting the claim of the petitioner for counting of his ad hoc service, for the purpose of seniority/pension and regularization in service on completion of 02 years as per policy, held that the petition filed by him suffered from gross, inordinate and unexplained delay in

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approaching the High Court. In the said judgment, it has been held as under:-

*“10. What we wish to emphasize, in particular, is that services of the appellant were regularized w.e.f. 01.04.1997. And, he was assigned a specific seniority position in the cadre. Whereafter, he continued to serve the department for nearly twenty five years, before attaining the age of superannuation in January, 2022. Needless to assert that during all these years, he availed all admissible benefits, promotions, and retired as Inspector. Thus, it rather appears that institution of the petition by the appellant was speculative and an attempt to resurrect a stale and dead claim. The Supreme Court, in **New Delhi Municipal Council v. Pan Singh & Ors., 2007(9) SCC 278**, observed:*

*“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. See **Govt. of W.B. v. Tarun K. Roy And Others [(2004) 1 SCC 347]**, **Chairman, U.P. Jal Nigam & Anr. v. Jaswant Singh And Anr. [2006 (12) SCALE 347]** and **Karnataka Power Corpn. Ltd. through its Chairman & Managing Director and Another v. K. Thangappan and Another [(2006) 4 SCC 322]**”*

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11. Similarly, in ***Jagdish Lal & Ors. Vs. State of Haryana & Ors., (1997) 6 SCC 538***, it was held by the Supreme Court:

“That apart, as this Court has repeatedly held, the delay disentitles the party to the discretionary relief under Article 226 or 32 of the Constitution. It is not necessary to reiterate all catena of precedents in this behalf. Suffice it to state that the appellant kept sleeping over their rights for long and elected to wake up when they had the impetus from Vir Pal Chauhan and Ajit Singh’s ratios..... Therefore, desperate attempts of the appellants to re-do the seniority had by them in various cadres/grades though in the same services according to 1974 Rules or 1980 Rule, are not amenable to judicial review at this belated stage....”

12. *In the wake of the position as sketched out above, we are dissuaded to interfere with the impugned order and judgment rendered by the learned single Judge. The appeal being bereft of merit is, accordingly, dismissed.”*

9. In view of the abovesaid discussion and the settled legal position, this Court is of the considered opinion that the present petition is liable to be dismissed as there is gross delay on the part of the petitioner. The petitioner has approached the respondents after an inordinate and unexplained delay/lapse of time of about twenty years, thereby allowing the cause of action, if any, to become stale. Such belated invocation, without furnishing any satisfactory explanation for the prolonged silence, defeats the very object of equitable relief and disentitles the petitioner from any discretionary relief under Article 226 of the Constitution of India. The law is well settled that equity aids the vigilant and not those who sleep over their rights.

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- 10. Since there is inordinate and unexplained delay of 20 years in approaching this Court, the instant petition cannot be entertained at this stage.
- 11. Dismissed with no order as to costs.

12.05.2026
R.S.

(NAMIT KUMAR)
JUDGE

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