



**CWP-14177-2026**

**:1:**

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

**109**

**CWP-14177-2026 (O&M)  
Date of decision : 08.05.2026**

**SATVIR SINGH**

**..... Petitioner**

**VERSUS**

**STATE OF HARYANA AND OTHERS**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA**

**\*\*\***

Present :- Dr. Suresh Kumar Redhu, Advocate  
for the petitioner.

Mr. Ravi Pratap Singh, DAG, Haryana.

**\*\*\***

**Deepinder Singh Nalwa, J. (Oral)**

1. In the present writ petition, the petitioner has challenged the letters dated 24.12.2015 (Annexure P-5), 06.01.2016 (Annexure P-6), 08.01.2016 (Annexure P-7) and 07.11.2025 (Annexure P-17) vide which the claim of the petitioner for grant of the benefit of having acquired the lower school course qualification in the year 2015, along with all consequential benefits, has been rejected.

2. The brief facts of the case are that the petitioner was appointed as a Constable in Haryana Police on 05.10.2008. In the year 2015, the petitioner qualified the test conducted for the purpose of selection to list B-1.

However, respondent No.3 returned the list B-1 pertaining to the 55% quota

**CWP-14177-2026****:2:**

for the year 2015 with the remark that the name of the petitioner could not be enlisted in list B-1 on account of the currency of punishment, vide letter dated 24.12.2015 (Annexure P-5).

3. Thereafter, in pursuance to the above said letter dated 24.12.2015 (Annexure P-5), the Superintendent of Police, Palwal-respondent No.4 removed the name of the petitioner as well as the name of Constable Bhupinder Singh from list B-1 under the 55% quota for the year 2015. Subsequently, respondent No.4 recommended a fresh list of Male candidates under the 55% quota for the year 2015. Pursuant thereto, the recommended candidates underwent the Lower School Course and the result thereof was declared on 03.05.2017 (Annexure P-8).

4. Thereafter, the name of the petitioner was again recommended by respondent No.4 in the year 2017 for the purpose of enlistment in list B-1 for promotion. The name of the petitioner was approved for enlistment in list B-1 vide order dated 11.04.2017 (Annexure P-10). In pursuance thereto, the petitioner was deputed to undergo the lower school course which was held in the year 2017. The petitioner duly qualified the above said test and the result was declared in the year 2018. Thereafter, the petitioner was promoted on the rank of Officiating Head Constable by the Superintendent of Police, Palwal-respondent No.4 vide order dated 09.12.2021 (Annexure P-12).

5. In the year 2025, after 11 years, the petitioner served a legal notice to the respondents contending therein that as the petitioner had been illegally removed from the list B-1 in the year 2015 contrary to the applicable rules. As such, the petitioner should be deemed to be enlisted in

**CWP-14177-2026****:3:**

list B-1 in the year 2015 with all consequential benefits. The above said legal notice was considered by the respondents and vide order dated 07.11.2025 (Annexure P-17), the claim of the petitioner was rejected. Aggrieved against the above said order dated 07.11.2025 (Annexure P-17), the petitioner has filed the present writ petition.

6. Learned counsel appearing on behalf of the petitioner submits that the reason for removing the name of the petitioner from the list B-1 was on account of currency of punishment imposed upon him in the year 2014 i.e. stoppage of one annual increment with temporary effect (Annexure P-3). He submits that as per the applicable rules, the employee was entitled to be considered for enlistment in list B-1 even during the currency of the punishment, as per the rules, as such petitioner should be treated as enlisted in list B-1 in the year 2015 and has qualified the lower school course and is entitled for all consequential benefits.

7. Learned counsel further submits that the punishment imposed upon the petitioner on 31.10.2014 (Annexure P-3) could not have been taken into consideration, as per the relevant rules, only punishment imposed prior to Ist July of the preceding year of selection can be taken into consideration. As the punishment imposed on the petitioner was after 01.07.2014, as such, the same could not have been taken into consideration for enlistment in list B-1 for the year 2015 and for undergoing lower school course.

8. Learned State counsel submits that as on the date of consideration of petitioner for list B-1, currency of punishment was in operation, as such, impugned orders are legal and valid. He further submits

**CWP-14177-2026****:4:**

that the present writ petition is also liable to be dismissed on the ground of delay and laches, as the petitioner has approached this Court after more than a decade. He further submits that mere filing of a legal notice or representation does not condone the delay as such, the petitioner is not entitled for any relief.

9. After hearing learned counsel for the parties at some length, it is not in dispute that the name of the petitioner was removed from List B-1 in the year 2015 on account of the currency of punishment. It is also not in dispute that the petitioner served a legal notice after almost 11 years claiming that he should be deemed to be enlisted in the list B-1 in the year 2015 with all consequential benefits.

10. It is not in dispute that the petitioner has approached this Court by way of filing the present writ petition after more than a decade. No satisfactory explanation has been given by the petitioner for inordinate delay in approaching this Court. It is well settled law that mere filing of representation/legal notice and order passed on the basis of such representation/legal notice does not condone the delay.

11. 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.

12. **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



CWP-14177-2026

:5:

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*



CWP-14177-2026

:6:

*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."*

13. 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 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. Relevant paragraphs 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.*



CWP-14177-2026

:7:

*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.”*

14. In **State of Tamil Nadu V. Seshachalam, (2007) 10 SCC 137**, held that mere filing of representations would not save the period of limitation. Relevant extract reads as under:-

*“ 11.... 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...”*

15. Reliance is also placed on the judgment passed by the Hon'ble Supreme Court of India in case of **Surjeet Singh Sahni Vs. State of U.P. and others, 2022 (15) SCC 536** decided on 28.02.2022, whereby, it was held that mere filing of representation does not extend the period of limitation. Relevant extract of the judgment is reproduced below:-



CWP-14177-2026

:8:

*“5. As observed by this Court in catena of decisions, mere representation does not extend the period of limitation and the aggrieved person has to approach the Court expeditiously and within reasonable time. If it is found that the writ petitioner is guilty of delay and latches, the High Court should dismiss it at the threshold and ought not to dispose of the writ petition by relegating the writ petitioner to file a representation and / or directing the authority to decide the representation, once it is found that the original writ petitioner is guilty of delay and latches. Such order shall not give an opportunity to the petitioner to thereafter contend that rejection of the representation subsequently has given a fresh cause of action.”*

16. Taking into consideration the fact that the petitioner has approached this Court after more than a decade and no satisfactory explanation has given by the petitioner in approaching this Court after such inordinate delay, this Court is not inclined to entertain the present writ petition. Accordingly, without going into the merits of the case, the present writ petition is dismissed on the ground of delay and latches.

17. Pending miscellaneous application(s), if any, also stand(s) disposed of.

**(DEEPINDER SINGH NALWA)**  
**JUDGE**

08.05.2026

Rimpal

Whether speaking/reasoned  
Whether Reportable :

Yes/No  
Yes/No