



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

CWP-14111-2026

Date of decision: 07.05.2026

Anil Kumar

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Virender Kumar, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, Advocate
for respondents No.3 & 4.

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 take the petitioner on the pay roll of the Municipal Corporation, Karnal as Safai Karamchari in view of the policy dated 06.09.2019 (Annexure P-3) issued by the Government of Haryana and further direction to respondent No.4 to decide the appeal filed by the petitioner in the month of August, 2020 (Annexure P-6) for taking the petitioner on the roll of Municipal Corporation being fully eligible.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner joined as Safai Karamchari in Municipal Corporation, Karnal in the year 2013 on contract basis through Man Power Service Providers and continuously worked upto July, 2020 as discernible from Annexure P-1. The petitioner became a member of EPFO and his contributory provident fund was regularly deducted from his monthly salary as discernible from Annexure P-2.

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The Government of Haryana framed a policy on 06.09.2019 (Annexure P-3) vide which Safai Karamchari working through Man Power Service Agency during the period from 24.05.2018 to 06.09.2019 were taken on roll of Municipal Corporation, Karnal. This exercise was done by respondent No.3 upto July, 2020. The petitioner being fully eligible deposited all his documents i.e. pass book copy, PF account number to respondent No.3 but his name was kept in the list of ineligible candidates illegally, arbitrarily and without granting any opportunity of hearing. The petitioner filed an appeal in August, 2020 along with all service documents but the same has not been decided.

3. *Per contra*, learned counsel appearing for the respondent-Corporation, on instructions from respondent No.3, submits that no such appeal has been received till date. It is further contended that the claim of the petitioner is barred by delay and laches. In terms of the policy dated 06.09.2019, the entire exercise for taking employees working through Man Power Service Agencies on the rolls of the Municipal Corporation was concluded in July, 2020, whereas, the present writ petition has been filed only in the year 2026. Learned counsel further submits that reliance placed by the petitioner upon Annexures P-9 to P-11 does not advance his case, as in those matters the concerned petitioners had actually filed appeals, whereas, in the present case, no appeal has been filed by the petitioner till date.

4. Having heard learned counsel for the parties and after perusal of the record with their able assistance, it transpires that the petitioner was initially appointed on contract basis in the year 2013 and a policy was framed on 06.09.2019 (Annexure P-3) was framed for taking on the rolls of the concerned



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Municipal Corporation those employees who had worked through Man Power Service Agencies during the period from 24.05.2018 to 06.09.2019. Admittedly, the entire exercise was concluded by respondent No.3 in the year 2020 itself. Although the petitioner asserts that he had filed an appeal in August, 2020, the same has been categorically denied by respondent No.3. There is also no dispute that the petitioner remained indolent for nearly six years before approaching this Court. Moreover, whether the petitioner has filed his appeal or not is a disputed question of fact which cannot be adjudicated upon by this Court while exercising jurisdiction under Article 226 of the Constitution of India.

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

07.05.2026
Neha

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