



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

Sr. No.119

CWP-14404-2026 (O&M)

Date of decision: 08.05.2026

Constable Kuldeep Singh and another

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. Kamaldeep Singh Sidhu, for the petitioners.

Mr. Rohit Ahuja, DAG, Punjab.

DEEPINDER SINGH NALWA, J.(Oral)

1 In the present writ petition, the petitioners have challenged the order dated 15.07.2022 (Annexure P-18), vide which the claim of the petitioners for re-allocation in the District Police Cadre has been rejected.

2. The brief facts of the case are that the respondents issued an advertisement dated 27.02.2010 (Annexure P-1) for filling up the posts of Male Constables in District Police Cadre and Punjab Armed Police Cadre. In pursuance to the abovesaid advertisement, the petitioners applied for both the abovesaid cadres in SC (Mazbi Sikh) category. The petitioners duly appeared in physical screening test and physical measurement test and qualified the same. Thereafter, the petitioners were called for interview on 14.07.2010. As per the petitioners, at the time of the interview, the petitioners were compelled to submit an affidavit by giving



their first and second option in respect of cadre for the purpose of appointment. The petitioners duly submitted their requisite affidavits giving their first option for appointment in Punjab Armed Police. The said affidavits are attached Annexures P-3 & P-4 with the present petition. The result was declared by the respondents on 31.07.2010. The petitioners were appointed on the post of Constable in Punjab Armed Police cadre in the month of March, 2011. The petitioners, after 09 years from the date of their respective appointments sought information under the Right to Information Act, 2005 (hereinafter referred to as the Act). Necessary information was supplied to the petitioners on 15.10.2020 (Annexure P-11). In light of the information supplied to the petitioners under the Act, the petitioners served a legal notice dated 18.03.2021 (Annexure P-12), wherein, the petitioners were claiming re-allocation in District Police Cadre as per their merit. As no decision was taken on the abovesaid legal notice dated 18.03.2021 (Annexure P-12), the petitioners filed CWP-5349-2022 (Annexure P-17). The said writ petition was disposed of vide order dated 16.03.2022 with a direction to the respondents to decide the legal notice served by the petitioners within a period of 02 months from the date of receipt of certified copy of the order. In compliance to the order passed by this Court in the abovesaid writ petition, respondent No.5 passed an order dated 15.07.2022 (Annexure P-18), whereby, the claim of the petitioners for re-allocation in District Police Cadre has been rejected. Aggrieved against the abovesaid order



dated 15.07.2022 (Annexure P-18), the petitioners have filed the present writ petition.

3. Learned counsel appearing on behalf of the petitioners submits that the respondents had forced the petitioners to give first and second option in respect of cadre for the purpose of appointment in their affidavits. He submits that as per the advertisement dated 27.02.2010 (Annexure P-1), there was no requirement of giving an affidavit and the case of the petitioners had to be considered on the basis of merit, as such, asking for an affidavit was contrary to law. Hence, the petitioners are entitled to be re-allocated in District Police Cadre as per the merit of the petitioners with effect from their batch mates were appointed in District Police Cadre.

4. Learned counsel appearing on behalf of the respondents-State submits that nobody had forced the petitioners to file an affidavit giving first and second option in respect to appointment in Punjab Armed Police Cadre or District Police Cadre respectively. The petitioners have given first option for the purpose of appointment in Punjab Armed Police Cadre and accordingly, were appointed on the post of Constable in Punjab Armed Police Cadre. He further submits that the petitioners have sought information under the Act after a delay of 09 years after their initial appointment. As, the present writ petition has been filed after almost



15 years from the date of their appointment, the present writ petition is liable to be dismissed on the ground of delay and laches.

5. I have heard the learned counsel appearing on behalf of the parties at length and have perused the record with their able assistance.

6. There is no dispute that the advertisement was issued on 27.02.2010 (Annexure P-1) and the petitioners were appointed in the month of March, 2011. The petitioners sought information under the Act in the year 2020 for the first time and served a legal notice dated 18.03.2021 (Annexure P-12). Thereafter, the petitioners filed a writ petition before this Court for directions to the respondents to decide the legal notice served by them which was disposed of with a direction to the respondents to decide the legal notice within a period of 02 months from the date of receipt of certified copy of the order.

7. A perusal of the present writ petition would show that the present writ petition has been filed after 15 years from the date of appointment of the petitioners in the Punjab Armed Police Cadre. The petitioners had earlier filed a writ petition in this Court after 12 years from the date of appointment which was disposed of to decide legal notice. No satisfactory explanation has been given by the petitioners in regard to delay in approaching this Court. It is well settled law that mere seeking information under the Act or submitting a legal notice/representation does not condone the delay. It is also settled law that



even if a direction is given by the Court to decide the legal notice/representation, the delay is not condoned and in such cases, fresh cause of action does not arise.

8. 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 an inordinate delay of more than a decade.

9. *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 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 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.”

10. 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. 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.”



11. Reliance is also placed upon judgment passed by Hon'ble Supreme Court of India in **State of Uttranchal and another Vs. Sri Shiv Charan Singh Bhandari and others 2013 (12) SCC 179, decided on 23.08.2013** wherein it was held that a direction by a competent Court cannot be considered as furnishing a fresh cause of action for reviewing the dead issue or time barred dispute. Relevant extract reads as under:-

*“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. In ***Union of India and others v. M.K. Sarkar 2010 (1) SCT 479; 2010 (2) SCC 59,*** this Court, after referring to ***C. Jacob*** (supra) 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.

15. From the aforesaid authorities it is clear as crystal that even if the court or tribunal directs for consideration of representations relating to a stale claim or dead grievance it does not give rise to a fresh cause of action.

The dead cause of action cannot rise like a phoenix. Similarly, a mere submission of representation to the competent authority does not arrest time. In ***Karnataka Power Corpn. Ltd. through its Chairman & Managing Director v. K. Thangappan and another 2006 (2) SCT 417; 2006 (4) SCC 322,*** the Court took note of the factual position and laid down that when nearly for two decades the respondent-workmen therein had remained silent mere making of representations could not justify a belated approach.

16. In ***State of Orissa v. Pyarimohan Samantaray (1997) 3 SCC 396*** it has been opined that making of repeated representations



is not a satisfactory explanation of delay. The said principle was reiterated in **State of Orissa v. Arun Kumar Patnaik (1996) 3 SCC 579.**

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 this Court reiterated the principle stated in **Jagdish Lal v. State of Haryana 1998 (1) SCT 2026; (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 7.7.1992.

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. There can be no cavil over the fact that the claim of promotion is based on the concept of equality and equitability, but the said relief has to be claimed within a reasonable time. The said principle has been stated in **Ghulam Rasool Lone v. State of Jammu and Kashmir and another 2010 (1) SCT 169; (2009) 15 SCC 321.**

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.

*21. Presently, sitting in a time machine, we may refer to a two-Judge Bench decision in **P.S. Sadasivasway v. State of Tamil Nadu (1975) 1 SCC 152**, wherein it has been laid down that a person aggrieved by an order of promoting a junior over his head should approach the Court at least within six months or at the most a year of such promotion. It is not that there is any period of limitation for the Courts to exercise their powers under **Article 226** nor is it that there can never be a case where the Courts cannot interfere in a matter after the passage of a certain length of time, but it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their extraordinary powers under **Article 226** in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle settled matters.”*

12. Taking into consideration that no satisfactory explanation is given by the petitioners for approaching this Court after an inordinate delay of more than a decade and above referred law laid down by Hon'ble the Supreme Court, without going into the merits of the case, the present writ petition is dismissed on the ground of delay and laches.

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

(DEEPINDER SINGH NALWA)
JUDGE

08.05.2026

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No