



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

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**CWP-14622-2026 (O&M)
Date of decision: 12.05.2026**

Jai Devi

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rohan Moudgil, Advocate
for Mr. Sandeep Sharma, Advocate
for the petitioner.

Mr. Piyush Khanna, Addl. A.G., Haryana.

Mr. Vikrant Pamboo, Advocate
for respondents No.2 and 3.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to grant Disability Conveyance Allowance to the petitioner w.e.f. 01.01.1996 along with arrears and interest, on the basis of Disability Certificate submitted by the petitioner at the time of her joining service. Further a writ of certiorari has been sought, for setting-aside the impugned order dated 15.10.2025 (Annexure P-10) to the extent that conveyance allowance be allowed to the petitioner w.e.f. 01.01.1996 and to grant the benefit of notional promotion to the petitioner as has been given to similarly situated



employees along with all consequential benefits including pension and retiral benefits.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was appointed as a Clerk on 22.12.1995 under the quota reserved for persons with disabilities as is evident from Annexure P-1. The permanent disability of the petitioner is above the benchmark disability of 40%. A perusal of the Disability Certificate dated 08.12.1986 (Annexure P-2) indicates that petitioner's disability is assessed by 50%. The petitioner submitted an application dated 04.05.1999 (Annexure P-3) for payment of disability conveyance allowance w.e.f. 01.01.1996. Thereafter, the Executive Engineer sent the recommendation memo on 05.05.1999 (Annexure P-5) to respondent No.2 for payment of allowance but no action was taken. Thereafter, rules were framed under The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, on 31.12.1996, which mandates constitution of medical board for assessment of disability benefits. After a considerable lapse, the medical board report dated 13.06.2023 (Annexure P-7) confirmed 45% permanent physical disability. Subsequently, the petitioner retired on 30.11.2023, without sanction allowance. After the retirement, another Disability Certificate dated 31.05.2024 (Annexure P-8), confirmed 45% permanent disability. Thereafter, respondent No.2 sent communication dated 07.08.2025 (Annexure P-9) to Chief Medical Officer seeking recommendation for payment of allowance, however, the claim of the



petitioner was rejected vide impugned order dated 15.10.2025 (Annexure P-10).

3. *Per contra*, learned counsel for respondents No.2 and 3 submits that the petitioner's claim for disability conveyance allowance accrued in the year 1996 when the rules were framed under The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 on 31.12.1996. The petitioner remained indolent and never raised any grievance and as per the pleadings, the petitioner submitted one application on 04.05.1999 (Annexure P-3) for payment of disability conveyance allowance w.e.f. 01.01.1996 and subsequently, she retired on 31.11.2023 and thereafter, approached this Court by filing the instant writ petition after a huge delay, which is hopelessly time barred.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

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 the petitioner 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 S.S. 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 seeking disability conveyance allowance w.e.f. 01.01.1996 after more than 30 years from the date of accrual of cause of action. 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 above discussions, 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

12.05.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No