

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****135****CWP-19201-2026 (O&M)****Date of decision: 01.07.2026****Kamlesh****...Petitioner(s)****Vs.****State of Haryana through its Principal Secretary,****Department of Public Works (Buildings & Roads Branch),****Haryana Civil Secretariat, Chandigarh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Mayank Garg, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Civil Writ Petition under Article 226/227 of the Constitution of India has been filed by the petitioner for issuance of writ in the nature of mandamus directing the respondents to regularise the services of the deceased husband of the Petitioner w.e.f. 1.10.2003 with all consequential benefits and interest thereupon @18% per annum, in the light of the policies dated 1.10.2003 & 10.2.2004 (Annexures P-2 & P-3) and also the judgments passed by this Court in **Joginder Vs. State of Haryana & Ors. CWP No. 31304 of 2025; Mani Ram Vs. State of Haryana CWP No. 8816 of 2025 (Annexure P-14); and Ramesh & Ors. Vs. State of Haryana & Ors. CWP No. 38084 of 2018 (Annexure P-11).**

2. It is *inter alia* submitted by learned counsel for the petitioner that on 01.09.1997 (now deceased) husband of the petitioner, namely,



Kuldeep Singh was appointed as Beldar on daily wage basis in the respondent-Department of Public Works (Buildings & Roads Branch). Vide order dated 25.07.2014 (Annexure P-6), services of Kuldeep Singh were regularised w.e.f. 28.05.2014. Thereafter, vide order dated 07.08.2014 (Annexure P-7), the order dated 25.07.2014 was withdrawn. The said order dated 07.08.2014 was challenged before this Court vide **CWP-16057-2014** titled as **Ram Mehar and others vs. State of Haryana and others** by the effected persons. Vide order dated 02.03.2016 (Annexure P-8), the order dated 07.08.2014 cancelling regularization of Kuldeep Singh and other similarly situate persons was quashed. Pursuant thereto, vide order dated 04.08.2016 (Annexure P-9), Kuldeep Singh was brought back on regular cadre on temporary basis to the post of Beldar in Group "D" w.e.f. 7.7.2014.

3. Learned counsel submits that thereafter Kuldeep Singh had expired on 03.12.2016. Subsequently, the petitioner, who is the wife of deceased Kuldeep Singh, Beldar, had discovered that persons junior to Kuldeep Singh had been regularized w.e.f. 01.10.2003. It is contended that therefore, respondents cannot deny regularization to Kuldeep Singh from 01.10.2003 when identically situated employees have been granted regularization. It is pointed out that the identically situated employees namely, Sh. Ramesh, Lakhi, Palo, and Mangat Ram who were also regularized vide order dated 25.7.2014 (Annexure P-6) alongwith with the husband of the petitioner and subsequently were regularized vide order dated 4.8.2016 (Annexure P-9) w.e.f. 7.7.2014, had approached



this Court vide CWP No. 38084 of 2018 titled as 'Ramesh & Ors. Vs. State of Haryana & Ors.' for regularization of their services w.e.f. 1.10.2003. This Court had allowed their writ petition vide judgment dated 16.1.2026 (Annexure P-11) and directed the respondents to regularize the petitioners therein w.e.f. 1.10.2003 alongwith all the consequential benefits and interest @ 6% on the arrears flowing thereof.

4. It is further submitted by learned counsel for the petitioner that the husband of the petitioner ought to be regularized w.e.f. 1.10.2003 as the he was fully eligible as per the policies dated 1.10.2003 and 10.2.2004 (Annexure P-2 & P-3).

5. It is accordingly prayed that similar benefits be also accorded to the deceased Kuldeep Singh.

6. No other argument is raised on behalf of Id. counsel for the petitioner. I have heard Id. counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the petitioner.

7. Service of husband of the petitioner, namely Kuldeep Singh was regularized on the post of Beldar vide order dated 25.07.2014 w.e.f. 28.05.2014. Order dated 25.7.2014 was subsequently withdrawn by the respondents vide order dated 07.08.2014 (Annexure P-7). The said withdrawal was challenged by the affected employees including Kuldeep Singh, by way of **CWP-16057-2014** titled as **Ram Mehar and others vs. State of Haryana and others**. The said writ petition came to be allowed by this Court order dated 02.03.2016 (Annexure P-8) whereby order dated 07.08.2014 (Annexure P-7) was quashed in the following terms: -



“It is the admitted case between the parties that before cancellation of the order of regularization of the services of the petitioners, no notice or opportunity of hearing has been granted to them. As withdrawal of the orders of regularization passed earlier would certainly entail civil consequences, it was incumbent upon the respondents to follow the principles of natural justice. In view of the above, the impugned order dated 7.8.2014 (Annexure P-9) is quashed. However, liberty is granted to the respondents to pass a fresh order, but only after complying with the principles of natural justice.

The writ petition stands disposed of accordingly.”

(Emphasis added)

8. Pursuant thereto, the respondents had passed order dated 04.08.2016 (Annexure P-9); whereby services of Kuldeep Singh and other similarly situate persons/all daily wagers were brought on regular cadre ‘on temporary basis’ to the post of Beldar in Group “D” w.e.f. 7.7.2014 ‘provisionally’ in the scale of 4440-7440+1300GP subject to the following conditions as laid down in the order dated 4.8.2016 relevant extract of which is as follows: -

“

Sr. No.	Name	Post	Address
1	Sh. Ramesh S/o Sh. Ganga Ram	Beldar	H.No.805, Gali No.4, Bhagat Singh Colony, Narwana
2	Sh. Mangat Ram S/o Sh. Shish Ram	Beldar	Hari Nagar, Near Milk Diary, Narwana
3	Sh. Lakhi S/o Sh. Shri Chand	Beldar	V.P.O. Sunderpura, Teh. Narwana, Distt. Jind
4	Smt. Palo W/o	Beldar	V.P.O. Jheel, Teh.



	Sh. Shish Pal		Narwana, Distt. Jind
5	Sh. Kuldeep S/o Sh. Gaini Ram	Beldar	V.P.O. Guliana, Teh. Kaithal, Distt. Kaithal

Conditions:

1. The Regularization will be provisional and will be made final after considering representation if any received at subsequent stage.
2. The representation if any should reach this office within 30 days from the date of issue of this order and no representation will be entertained after expiry of above-described period.....”

9. It is not the case of the petitioner that pursuant to the above said order dated 04.08.2016 any representation was made by Kuldeep Singh to the concerned authorities seeking regularization of his services w.e.f. 01.10.2003. Learned counsel for the petitioner has been unable to show that any representation or request was made at any stage by Kuldeep Singh. Whereas in the relied upon CWP-38084-2018 decided on 16.01.2026 (Annexure P-11), it has been observed that representation had been made by the petitioners therein which had been rejected by the respondents; consequent to which the said CWP-38084-2018 came to be filed. Thus, in the first instance, itself, Kuldeep Singh had forgone his right for consideration for regularization.

10. Moreover, claim of the petitioner, if any, is highly belated having been filed only after passing order dated 16.1.2026. Thus, petitioner can derive no benefit from the relied-upon judgment dated 16.01.2026 (Annexure P-11) as it is established position in law that



belated claim and that too in respect of the deceased employee cannot be entertained. Even otherwise, Petitioner cannot claim parity with the petitioners in CWP-38084-2018 (Annexure P-11) as the incumbents therein are still holding post of Beldar on regular basis.

11. At this stage, reference is made to a judgment passed by Hon'ble Supreme Court in **"Yunus (Baboobhai) A Hamid Padvekar v. State of Maharashtra Through its Secretary and others", 2009(2) SCT**

24. The relevant para of which reads as under:-

*"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 SC 769**. Of course, the discretion has to be exercised judicially and reasonably."*

12. The above said judgment has been followed by this Court in **Sudhir Bala v. State of Punjab, (Punjab And Haryana): Law Finder Doc Id # 2678248**; wherein it has been held that *"Delay and laches in filing a writ petition under Article 226 of the Constitution of India can disentitle a petitioner to relief, especially when there is an inordinate and unexplained delay in asserting one's rights."*

13. Reliance of the petitioner upon cases of **Mani Ram vs. State of Haryana and others, CWP-8816-2026** and other connected cases, **decided on 23.12.2025**; and **Joginder Vs. State of Haryana & Ors. CWP No. 31304 of 2025**, is misconceived as the said cases are distinguishable on facts and law.
14. In view of the above, the present Civil Writ Petition stands **dismissed**.
15. Pending application(s) if any also stand(s) disposed of.