



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

248

CWP-23267-2024Date of Decision: **23.04.2026**

Chandi Ram

.....Petitioner

VERSUS

State Of Haryana And Others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. A.K. Maurya, Advocate
for the petitioner.

Mr. R.K. Chaudhary, Advocate for
Mr. Sukhdeep Parmar, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (Oral)

1. The present petition is filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *Mandamus* directing the respondents to release the service/retiral benefits of the petitioner, who retired on 31.07.2011 from the post of Field Inspector (Junior) under the Haryana State Co-operative Supply and Marketing



Federation Limited (hereinafter 'HAFED'). It is further prayed that the respondents be directed to grant the benefit of regularization in service from a back date in terms of Agenda No. 375/52 (Annexure P-5) dated 24.01.2023, as approved by the Board of Administration, HAFED. Further, a direction is sought for release of interest on the amount, as reflected in the payable balance charge-sheet of the petitioner dated 18.08.2023(Annexure P-9), from the date it became due till the date of its actual release.

CONTENTIONS

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was initially appointed as a Salesman-cum-Accountant in the Bhuna Co-operative Marketing-cum-Processing Society Ltd., Tehsil Bhuna, District Hisar on 09.05.1974. Subsequently, on 18.05.1979, the petitioner was appointed as a Field Inspector (Junior) with HAFED, Hisar, on a daily-wage basis for a period of 89 days, however, his engagement was extended from time to time. It is further submitted that the petitioner had earlier filed CWP-15799-2015 and CWP-12466-2018 before this Court seeking regularization of his services. However, as per order dated 26.03.2019 (Annexure P-2) in CWP-12466-2019, the petitioner withdrew the said petition with the liberty to pursue his claim for regularization before the Board of Administration, HAFED. Learned counsel further submits that the petitioner is 72 years old and is suffering from certain medical issues that did not allow him to attend the proceedings before the Board. However, as



recorded in Agenda Item No.375/52 for the meeting dated 24.01.2023, the case of the petitioner was recommended to be considered for regularization w.e.f. 08.03.1999 by the Board of Administration, on sympathetic grounds. However, his claim for regularization and grant of consequent service benefits was not favourably considered by the Board. Aggrieved by the same, the petitioner has filed the present writ petition.

3. *Per contra*, learned counsel for the respondent-HAFED submits that the petitioner was relieved from service on 12.08.1980 after detection of a shortage of fertilizer. However, he was reinstated on 30.03.1980 on daily wage basis. Since no extension was provided to him post 31.10.1988, the petitioner had approached the Labour Court which passed an award in his favour vide order dated 06.10.1988 (Annexure R-1). Accordingly, the petitioner was reinstated and granted continuity of service without back wages. Learned counsel emphasizes that the award (supra) did not grant regularization to the petitioner. The claim of the petitioner was duly considered by the competent authority of HAFED however, the same was rejected as the he only possesses the qualification of matriculation while the HAFED Common Cadre Rules, 1988 (Annexure R-4) require Field Inspector (Junior) to be graduates. Further still, the Board, in Agenda Item No.375/52 for the meeting dated 24.01.2023, has not resolved to regularize the petitioner; thus, he cannot claim service/retiral benefits of any kind.

4. It is further submitted that the petitioner had earlier approached



this Court by filing CWP-12466-2018, which was withdrawn on 26.03.2019 (Annexure P-2) in order to approach the Board of Administrators. However, no liberty was granted to the petitioner to approach this Court again. As such, the present petition is not maintainable in view of the law laid down by the Hon'ble Supreme Court in *Sarguja Transport Service vs. State Transport Appellate Tribunal, Gwalior, (1987) 1 SCC 5*. Lastly, learned counsel argues that the employer-employee relationship ceased to exist between HAFED and the petitioner when he retired from service on 31.07.2011. As such, no claim for regularization can be entertained at this stage and the present writ petition deserves to be dismissed on this ground alone.

OBSERVATIONS AND ANALYSIS

5. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioner was initially appointed on daily wages, and his engagement was extended from time to time. However, his services were never regularised. The petitioner retired from service on 31.07.2011. Aggrieved by the same, the petitioner had earlier approached this Court by filing CWP-12466-2018, which was subsequently withdrawn vide order dated 26.03.2019 (Annexure P-2) with the liberty to approach the Board of Administration for redressal of his grievances. The relevant extract of the order dated 26.03.2019 reads as under:



“After arguing for some time, learned counsel for the petitioner states that he be allowed to withdraw the present writ petition with liberty to approach the appellate authority i.e. Board of Administrator (BOA) against the order passed by the Managing Director by which the claim of the petitioner for regularization of his services has been rejected.

Dismissed as withdrawn with liberty as prayed for.”

6. A perusal of the aforementioned order makes it evident that the petitioner was only granted liberty to approach the Board of Administration. Tritely, in absence of grant of any liberty to this effect, the petitioner could not have agitated the same claim again before this Court. Accordingly, this Court finds merit in the arguments advanced by learned counsel for the respondent-HAFED that the present petition is not maintainable in view of the law laid down by a two-Judge Bench of the Hon’ble Supreme Court in ***Sarguja Transport Service (supra)***. Speaking through Justice E.S Venkataramiah, the following was observed therein:

*“9. The point for consideration is whether a petitioner after withdrawing a writ petition filed by him in the High Court under Article 226 of the Constitution of India without the permission to institute a fresh petition can file a fresh writ petition in the High Court under that Article. On this point the decision in Daryao's case (supra) is of no assistance. **But we are of the view that the principle underlying Rule 1 Order 23 of the Code should be extended in the interests of administration of justice to cases of withdrawal of writ petition also, not on the ground of res judicata but on the ground of public policy as explained above. It would also discourage the litigant from indulging in bench-hunting tactics. In any event there***



is no justifiable reason in such a case to permit a petitioner to invoke the extraordinary jurisdiction of the High Court under Article 226 of the Constitution once again. While the withdrawal of a writ petition filed in High Court without permission to file a fresh writ petition may not bar other remedies like a suit or a petition under Article 32 of the Constitution since such withdrawal does not amount to res judicata, the remedy under Article 226 of the Constitution should be deemed to have been abandoned by the petitioner in respect of the cause of action relied on in the writ petition when he withdraws it without such permission. In the instant case the High Court was right in holding that a fresh writ petition was not maintainable before it in respect of the same subject-matter since the earlier writ petition had been withdrawn without permission to file a fresh petition. We, however, make it clear that whatever we have stated in this order may not be considered as being applicable to a writ petition involving the personal liberty of an individual in which the petitioner prays for the issue of a writ in the nature of habeas corpus or seeks to enforce the fundamental right guaranteed under Article 21 of the Constitution since such a case stands on a different footing altogether. We, however, leave this question open.”

(emphasis supplied)

7. Furthermore, this position of law was also reiterated by a Division Bench of this Court in ***Sukhbir Kaur vs. State of Punjab 1996(4) SCT 781***, wherein, speaking through Justice G.S. Singhvi, the following was held:

“5. Since there is nothing in the order dated 20.8.1996 to indicate that the writ petition was withdrawn with liberty to approach the departmental authorities or with permission to institute a fresh petition, the dismissal of writ petition on 20.8.1996 will have to be treated as un-conditional. We cannot accept the submission of the learned counsel for the petitioner that in addition to what has been



recorded in the order sheet dated 20.8.1996 the court had made some observations which should be read as a part of the order of the court and relief should be given to the petitioner ignoring the fact that previous writ petition filed on the same subject matter stands dismissed as withdrawn.

6. In *State of Maharashtra v. Ram Dass Shrinivas Nayak and another*, AIR 1982 Supreme Court 1249, a similar attempt was made before the Apex Court to dra the court into controversy about the exact happening in the proceedings of the High Court. Their Lordships repelled such attempt by observing:

"The court is bound to accept the statement of the Judges recorded in their judgment, as to what transpired in court. It cannot allow the statement of the Judges to be contradicted by statements at the Bar or by affidavit and other evidence. If the Judges say in their judgment that something was done, said or admitted before them, that has to be the last word on the subject. The principle is well settled that statement of fact as to what transpired at the hearing, recorded in the judgment of the court, are conclusive of the facts so stated and no one can contradict such statements by affidavit or other evidence. If a party thinks that the happenings in court have been wrongly recorded in a judgment, it is incumbent upon the party, while the matter is still fresh in the minds of the Judges, to call the attention of the very Judges who have made the record to the fact that the statement made with regard to his conduct was a statement that had been made in error. That is the only way to have the record corrected. If no such step is taken, the matter must necessarily end there."

Since the writ petition No. 12632 of 1996 was dismissed as withdrawn on the request made by the learned counsel for the petitioner and no permission was given to the petitioner to institute fresh writ petition on the same subject matter, we have no hesitation to dismiss this writ petition as not maintainable in view of the law laid down by the Supreme Court in *Sarguja Transport Service v. State Transport Appellate Tribunal, Gwalior and others*, AIR 1987 Supreme Court 88, wherein their Lordships observed as under:



"In order to prevent a litigant from abusing the process of the court by instituting suits again and again in the same cause of action without any good reason the Civil Procedure Code insists that he should obtain the permission of the court to file a fresh suit after establishing either of the two grounds mentioned in Order 23 Rule 1(3). The principle underlying the above rule is founded on public policy, but it is not the same as the rule of res judicata. This principles underlying Rule 1 of Order 23 should be extended in the interests of administration of justice to cases of withdrawal of writ petition also, not on the ground of res judicata but on the ground of public policy. That would also discourage the litigant from indulging in bench hunting tactics. In any event there is no justifiable reason in such a case to permit a petitioner to invoke the extraordinary jurisdiction of the High Court under Article 226 once again. While the withdrawal of a writ petition filed in a High Court without permission to file a fresh writ petition may not bar other remedies like a suit or a petition under Article 32 since such withdrawal does not amount to res judicata, the remedy under Article 226 should be deemed to have been abandoned by the petitioner in respect of the cause of action relied on in the writ."

For the reason enumerated above, the writ petition is dismissed."

(Emphasis supplied)

8. Further still, the petitioner had first approached this Court by filing CWP-11799-1988 for regularization of his services, which was dismissed as withdrawn vide order dated 29.10.1992, with the liberty to avail alternate remedies. Thereafter, the petitioner filed CWP-15799-2015 which was also dismissed as withdrawn vide order dated 16.01.2018. Finally, CWP-12466-2018 was filed which was yet again dismissed as



withdrawn vide order dated 26.03.2019 (Annexure P-2) with the liberty restricted to approaching the Board of Administration. Pertinently, the present petition has been filed about 04 years after the passing of the final order in CWP-12466-2018. *In arguendo*, even if the matter of maintainability *qua* liberty is not considered to be an embargo, there is still a significant delay on part of the petitioner in approaching this Court, especially in view of the factum of his retirement in the year 2011. Thus, the petitioner ought to indicate compelling or extenuating circumstances to justify the inordinate delay. 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)

9. Further, in *Mrinmoy Maity vs. Chhanda Koley and others* ***AIR 2024 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 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. In *State of Uttaranchal vs. Shiv Charan Singh Bhandari, (2013) 12 SCC 179*, the Hon’ble Supreme Court opined that making repeated representations will not keep the issues alive. A stale or dead issue/dispute cannot be revived even if such a representation has either been decided by the authority or with directions from the courts. 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. Article 14 of the Constitution of India will not be attracted when a government service is denied certain benefits, although granted to similarly-situated counterparts, as it is well settled that law only leans in favour of those who are alert and vigilant.



10. Moreover, it is settled law that the employer-employee relationship only subsists during the service tenure and ceases to exist upon retirement. A Co-ordinate Bench of this Court in ***Joginder Singh vs. Haryana Vidyut Prasaran Nigam Limited and another*** in ***CWP-19168-2025*** decided on 11.07.2025 made the following observations regarding post-retirement claim for regularisation:

“3. On the asking of Court, Mr. Ravi Sharma, Advocate conceded that no petition seeking regularization was filed during service tenure, however, he submits that Supreme Court vide judgment dated 20.12.2024 has granted benefits to many persons, thus, petitioner should be retrospectively regularized.

4. The petitioner was appointed on contract basis. He has no absolute or fundamental right to claim regularization. He as per his convenience remained dormant during his service. He did not think it appropriate to seek regularization. He has filed instant petition after his retirement. The relation between petitioner and employer has snapped. There seems no reason to invoke writ jurisdiction at this belated stage.”

Reliance can also be placed on ***Harjeet Singh vs. Haryana Vidyut Prasaran Nigam Limited and another*** in ***CWP-11820-2026*** decided on 21.04.2026.

CONCLUSION

11. In view of the discussion above, this Court finds it unsuitable to entertain the present petition in view of ***Sarguja Transport Service (supra)*** as well as the delay on part of the petitioner. Accordingly,



without delving further into the merits of the case, the present writ petition is hereby dismissed.

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

(HARPREET SINGH BRAR)
JUDGE

23.04.2026
Parul Verma

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No