



202 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-1097-2018 (O&M)
Date of Decision: 10.02.2026

OMKAR ... APPELLANT

VS.

UNION OF INDIA & ANR .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. Randeep Punia, Advocate
for the appellant.

Mr. Hitesh Kumar Sammi, Advocate,
for the respondent(s)-UOI.

ASHWANI KUMAR MISHRA, J. (ORAL)

The matter was adjourned on 27.10.2025 by passing the
following order:-

*“It is informed that learned counsel, who appeared for
the appellant, has joined the office of Advocate General
for the State of Haryana.*

Let notice be issued to the appellant for 10.02.2026.”

Today again, a request was made for adjournment on the same
ground. We are not inclined to accept the request for adjournment in the
peculiar facts of the case. Though, vakalatnama has not been filed by Mr.
Randeep Punia, Advocate, since he has appeared for the appellant, we have
perused the material on record with his assistance.

This appeal arises out of judgment dated 23.05.2018 passed by learned Single Judge, whereby appellant's writ was dismissed primarily on the ground of laches.

Facts of the case are that the appellant joined on the post of General reserve Engineer Forces (GREF) in an emergency service. He worked as such for 08 years, 08 months and 27 days. Thereafter, he was made to retire on 05.06.1971. Since his retirement, no claim for pension was ever raised. It was for the first time in the year 2018 that a legal notice was served and, thereafter, the writ petition was filed. Learned Single Judge has dismissed the writ petition observing as under:-

“2. Undisputably, petitioner stood retired on 05.06.1971. Thereafter, till date petitioner did not opt to approach either concerned authorities or Court but except only on 03.05.2018 by way of filing of instant petition. Thus, there is a considerable delay on the part of the petitioner in approaching the Court. There is no explanation furnished by him for not taking up the matter and filing of such petition earlier. As such, he is guilty of long delay and laches which is suggestive of the fact that he is deemed to have acquiesced or waived off his claim or right. Such a relief can neither be claimed or granted by ignoring a long and unexplained delay simply because, it is a continuing cause.

*3. By now it is pretty settled proposition of law that the delay dis-entitles a party to discretionary relief under Article 226 or Article 32 of the Constitution. Petitioner kept sleeping over his rights for long and woke up after two and a half decades. To buttress this observation we can have assistance conveniently from the guideline laid down by the Hon'ble Apex Court in case **Jagdish Lal v. State of Haryana, 1998(1) SCT 26 (SC) : (1997) 6 SCC 538.***

4. *It is also equally settled that the law of limitation has legally to be construed especially in the circumstances that a right is accrued to the party opposite on account of delay which is attributed to the other party and said right cannot be scuttled down by taking a lenient view. Otherwise also, a party who approaches the Court is under a bounden duty to explain the delay in approaching the Court for a particular relief or to lay challenge to a specific order to which he/she aggrieved. To buttress this observation, we can have the reference made by the Hon'ble Apex Court in case **Brijesh Kumar and others vs. State of Haryana and others, 2014 (11) SCC 351 and Esha Bhattacharjee vs. Raghunathpur Nafar Academy & others, 2013(4) RCR (Civil) 785.***

5. *Adverting to the facts of the case in hand, cause of action, if any, would have accrued to the petitioner at the time his retirement i.e. on 05.06.1971, whereas he approached this Court in the month of 03.05.2018, i.e. approximately after about five decades, that too, without any explanation.*

6. *Thus, in view of the facts and circumstances narrated above and the legal proposition, it can be safely observed that instant petition suffers from delay and laches especially in the circumstances that the petitioner slept over the matter for a considerable number of years from the date of accrual of cause of action without any reasonable cause.”*

Apart from the fact that entitlement to pension arises only upon completion of the minimum qualifying service of 20 years, we find that the claim of the appellant is hopelessly barred by latches. The appellant, having retired in the year 1971, accepted the position that he was not holding a pensionable post. After an inordinate delay of nearly 47 years, a legal notice

came to be issued, followed by the filing of writ petition. We are in complete agreement with the learned Single Judge that such highly belated claims ought not to be entertained. Even after dismissal of the writ petition in the year 2018, the present LPA has remained pending on Board for the last 08 years. In our considered view, this appeal could not be continued on Board even for a day further.

The appeal lacks merits and is accordingly dismissed.

Pending applications, if any, stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

10.02.2026
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No