

2025:PHHC:113725-DB

LPA-1723-2025 (O&M)
Date of Decision: 26.08.2025

Sunil Kumar ..Appellant

Vs.

Indian Bank and others ..Respondents

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

Present: Mr. Kanwaljeet Singh, Advocate for the appellant.

Mr. Gaurav Goel, Advocate for the respondents-Bank.

ASHWANI KUMAR MISHRA, J. (Oral)

1. Claim of the appellant for compassionate appointment has been rejected by the learned Single Bench on account of delay.

2. The facts have been noticed by the learned Single Bench as per which the appellant's father was initially employed as Part Time Sweeper (PTS) on 29.09.1998. He died on 29.08.2011. It is submitted that an application was filed on 05.09.2011 for compassionate appointment but since the same was not considered, the writ petition came to be filed in the year 2025. Learned Single Bench has non-suited the appellant by observing as under:-

“I find that there is an inordinate and unexplained delay of more than 13½ years in seeking re-initiation of a stale cause. In the absence of any satisfactory explanation about the reasons which impeded the petitioner from approaching the Court at the first instance, the writ jurisdiction, which is barred by delay and

laches could not be invoked and the present writ petition cannot be entertained at this belated stage. It has been held by the Hon'ble Supreme Court in a catena of judgments that notwithstanding the law of limitation not being applicable to the writ jurisdiction, however, the same cannot be construed that the law of limitation and the limitation prescribed thereunder have to be ignored in its entirety. Even though the satisfactory explanation in terms of Article 226 of Constitution of India does not mean every day's delay, however, in subsistence, a satisfactory explanation is still required to be furnished about the surrounding circumstances which prevented the petitioner/litigant from approaching a Court of law. The present writ petition fails to refer to any such compelling circumstances apart from a mere submission that the petitioner awaited the response from the respondents. The said explanation cannot be said to be satisfactory or conforming to the parameters of satisfaction explanation.

The instant writ petition is accordingly dismissed on account of delay and laches and being an attempt to revive a stale cause.”

3. Learned counsel for the appellant submits that as the application was filed in the year 2011 itself, it cannot be said that the claim was belatedly instituted before the writ Court.

4. We have perused the record and are unable to accept such submission inasmuch as if the claim was instituted in the year 2011 and the same was not considered, a cause of action had arisen in favour of the appellant to approach this Court. The fact is that the writ petition has been filed after lapse of more than 13½ years and the same is a good ground to

non-suit the appellant inasmuch as compassionate appointment is not a vested right but is a concession granted by the employer only to tide over the sudden difficulty faced by the family due to the death of the sole bread earner.

5. Therefore, we do not find any error in the impugned judgment passed by the learned Single Bench. The appeal is dismissed accordingly.

6. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

26.08.2025

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| 1. Whether speaking/reasoned? | : | Yes/No |
| 2. Whether reportable? | : | Yes/No |