



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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LPA-2912-2025 (O&M)

Date of decision : 29.09.2025

Janak Singh

... Appellant

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Ms. Madhav Pokhrel, Advocate for the appellant.

Ms. Arundhati Kulshreshtha, AAG Punjab.

Anupinder Singh Grewal, J. (Oral)

CM-7329-LPA-2025

Allowed as prayed for.

Main case

The appellant has challenged the judgment dated 27.01.2020 passed by the Single Bench whereby the writ petition preferred by the appellant seeking directions to the respondents to consider and appoint him on the post of E.T.T. Teacher, has been dismissed.

2. Learned counsel for the appellant submits that the writ petition bearing CWP-18451-2016 preferred by the petitioner had been dismissed by the Single Bench on 27.01.2020 in view of the judgment in the CWP-51-2017 titled as ***Tara Rani Vs. State of Punjab and others***. He submits that the LPA preferred against the judgment in the case of ***Tara Rani (supra)*** has been allowed by the Division Bench in LPA-1167-2018 on 21.07.2023 (Annexure A-1).



3. Learned State counsel submits that the appeal has been preferred after inordinate delay of about five years and ought to be dismissed.

4. Heard.

5. It is manifest that the appellant has preferred the instant appeal five years after the writ had been dismissed and a delay of over 2036 days has occurred in preferring the instant appeal. The only question before us is whether the instant appeal ought to be entertained and the delay condoned in view of the explanation offered in the application seeking condonation of delay. We are of the view that explanation offered by the counsel is wholly inadequate to warrant condoning the inordinate delay of 2036 days in preferring the appeal. A Co-ordinate Bench of this Court had allowed the appeal in **Tara Rani's case (supra)** vide judgment dated 21.07.2023. The instant appeal has been filed two years after the said judgment. It is settled law that delay comes in the way of equity and is not to be condoned at the drop of a hat. The litigant ought to be vigilant and seek recourse to the remedy under the law promptly. This Court while dismissing LPA-366-2025 on account of delay and laches had observed as under:-

*“A litigant cannot sleep over his rights, wake up from his slumber and knock at the doors of the constitutional court after long lapse of time. Reference can be made to the judgment of the Supreme Court in the case of **Hameed Joharan versus Model Salem, AIR 2001 SC 3404**, wherein it was observed as under:*

*“It cannot, but be the general policy of our law to use the legal diligence and this has been the consistent legal theory from the ancient times. Even the doctrine of prescription in Roman Law prescribes such a concept of legal diligence and since its incorporation therein, the doctrine has always been favoured rather than claiming dis-favour. **Law courts never tolerate an indolent litigant since delay defeats equity. The Latin maxim ‘Vigilantibus non dormientibus jure subventiunt’ (law assists those who are vigilant and not those who are indolent). As a matter of fact, lapse of time is a species for forfeiture of right.** Wood, V.C. in **Manby v. Bewicke**, (3 K. & J. 342 at 352) stated:*



“..the legislature has in this, as in every civilized country that has ever existed, thought fit to prescribe certain limitations of time, after which persons may suppose themselves to be in peaceful possession of their property and capable of transmitting the estates of which they are in possession, without any apprehension of the title being impugned by litigation in respect of transactions which occurred at a distant period, when evidence in support of their own title may be most difficult to obtain.””

(emphasis supplied)

6. In view of the above, we find that the instant appeal suffers from delay and laches. Consequently, the appeal stands dismissed.
7. All pending miscellaneous application(s), if any, shall also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

29.09.2025

Sapna

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