



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

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**CWP-26550-2025 (O&M)
Date of decision: 08.09.2025**

Anil Kumar

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Siddharth Sanwaria, Advocate
for the petitioner (through video conferencing)

Mr. Piyush Khanna, Addl. A.G., Haryana
for respondent No.1.

Mr. Vikrant Pamboo, Advocate
for respondent No.2.

HARPREET SINGH BRAR J. (Oral)

1. The instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of writs in the nature of Certiorari/Mandamus by:-

(i) directing the respondents to submit the relevant records regarding the present lis for judicial review by this Hon'ble Court;

(ii) issuance of the writ in the nature of Mandamus directing the respondent No. 2 to hear the petitioner before;

(iii) exempt the petitioner from placing on record the original and certified copies of the Annexure P-1 to P-5 and this Hon'ble Court may kindly be pleased to issue any other order, direction or writ, as this Hon'ble Court may deem fit in wake of the facts and circumstances humbly



submitted vide the present petition, in interest of justice, and the following prayer may kindly be also considered by this Hon'ble Court in interest of justice;

(iv) To direct the respondents to grant the back wages and Pensionary benefits the petitioner;

(v) To declare the order dated 26.06.2007 (Annexure P-3) passed arbitrarily by the respondent No. 2 invoking Regulation -7(2)(d) (ii) of HSEB (P&A) Regulation, 1990 as unconstitutional, ultra-vires, void, illegal, arbitrary, unreasonable, discriminatory and unsustainable in the eyes of law; and

(vi) Any other order/s as this Hon'ble Court may deem fit and proper in the interest of justice and fairness.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is seeking full back wages and pensionary benefits. He was convicted under Sections 498-A and 306 IPC by learned Sessions Judge, Panchkula vide judgment of conviction dated 29.08.2006 and order of sentence dated 31.08.2006. The petitioner was awarded rigorous imprisonment for a period of 05 years and to pay a fine of Rs.700/- under Section 306 IPC and rigorous imprisonment for a period of 03 years and to pay a fine of Rs.500/- under Section 498-A IPC. Based on the conviction, the respondent No.2 has terminated the services of the petitioner vide order dated 26.06.2007 (Annexure P-3), without conducting any departmental enquiry or granting an opportunity of hearing to the petitioner. The petitioner made representation on 09.08.2007 (Annexure P-4) with a specific ground that no departmental enquiry has been conducted before passing the order of dismissal. He



further submits that the sentence of the petitioner has been suspended and as such, the impugned termination order is arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India. He further contends that the impugned action of the respondent No.2 is contrary to the principles of natural justice and fair play. He concedes that the claim of the petitioner arose in the year 2007. However, he could not provide any satisfactory reason to justify the delay in approaching this Court.

3. *Per contra*, learned State counsel as well as learned counsel for respondent No.2 submits that firstly the case of the petitioner is hopelessly barred by delay and laches as the representation of the petitioner was rejected by respondent No.2 on 15.11.2007 (Annexure P-5) and the present petition has been filed after a delay of 18 years. Such an inordinate delay in filing the instant petition even disentitles the petitioner from seeking equitable relief. Further the termination order was passed by invoking Regulation 7(2)(d)(ii) of Haryana State Electricity Board Employees (Punishment & Appeal) Regulation, 1990, which explicitly provides for dispensing with the enquiry if an employee is convicted on a criminal charge.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. It is trite law that the delay in approaching this Court under Article 226 of the Constitution of India may be condoned if sufficient cause is indicated or a reasonable explanation is provided for the same. However, the facts of the matter at hand indicate otherwise. Learned



counsel petitioner has failed to specify any compelling or extenuating circumstance which prevented him from approaching this Court for such a long time. 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 *S.S. Balu vs. 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)

6. Further, in *Mrinmoy Maity vs. Chhanda Koley and others 2024 AIR 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 further 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.

7. In view of the discussion above, this Court does not find it appropriate to invoke its extraordinary writ jurisdiction under Article 226 of the Constitution of India. Accordingly, the present petition stands dismissed.

**(HARPREET SINGH BRAR)
JUDGE**

08.09.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No