

LPA-1116-2025 (O&M)

2025:PHHC:051352-DB



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

**LPA-1116-2025 (O&M)
Decided on: 21.04.2025**

MANDEEP SINGH

....Appellant

versus

STATE OF PUNJAB & ORS

....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA**

Present:- Mr. Gurjit S. Latheri, Advocate for the appellant.

SUDHIR SINGH, J.

CM-2750-LPA-2025

Allowed as prayed for.

CM-2751-LPA-2025

For the reasons given in the application, the same is allowed.

Delay of 724 days in filing the appeal is condoned.

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Challenge in the instant intra Court appeal is to the order dated 17.02.2023 passed by the learned Single Judge, whereby the writ petition filed by the appellant was dismissed on the ground of delay and laches.

2. Before the learned Single Judge, the appellant had sought quashing of the order dated 18.11.2022 (Annexure P-17 with the writ petition), whereby the representation of the appellant was consigned to the records.

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3. As would appear from the facts of the case as noticed in the impugned order passed by the learned Single Judge, the appellant claimed relief in the writ petition as regards the recruitment process for appointment of Teachers on the consolidated pay, initiated by the Competent Authority under the Rashtriya Madhyamik Shiksha Abhiyan, vide recruitment notice dated 07.01.2010. The learned Single Judge has noticed that the appellant kept sleeping over the matter till 2022, when for the first time he had submitted representation which was rejected by the concerned authorities and it was for this reason that the learned Single Judge declined to interfere into the matter and dismissed the writ petition on the ground of delay and laches.

4. It is settled law that the delay is genus to which laches and acquiescence are species. It is further settled that the delay disentitles a party to the discretionary relief under the Article 226 of the Constitution of India. If a litigant keeps sleeping over his rights for a long period and wakes up when he does have an impetus either from the judicial verdict of the Court or otherwise, such litigant is not entitled to any relief. The Hon'ble Supreme Court in **Union of India v. N. Murugesan, (2022) 2 SCC 25** has held as under:-

“Delay, laches and acquiescence

20. The principles governing delay, laches, and acquiescence are overlapping and interconnected on many occasions. However, they have their distinct characters and distinct elements. One can say that delay is the genus to which laches and acquiescence are species. Similarly, laches might be called a genus to a species by name acquiescence. However, there may be a case where acquiescence is involved, but not laches. These principles are common law principles, and perhaps one could identify that these principles find place in various statutes which restrict the period of limitation and create non-consideration of condonation in certain circumstances. They are bound to be applied by way of practice requiring prudence of the court than

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of a strict application of law. The underlying principle governing these concepts would be one of estoppel. The question of prejudice is also an important issue to be taken note of by the court.

Laches

21. The word “laches” is derived from the French language meaning “remissness and slackness”. It thus involves unreasonable delay or negligence in pursuing a claim involving an equitable relief while causing prejudice to the other party. It is neglect on the part of a party to do an act which law requires while asserting a right, and therefore, must stand in the way of the party getting relief or remedy.

22. Two essential factors to be seen are the length of the delay and the nature of acts done during the interval. As stated, it would also involve acquiescence on the part of the party approaching the court apart from the change in position in the interregnum. Therefore, it would be unjustifiable for a Court of Equity to confer a remedy on a party who knocks its doors when his acts would indicate a waiver of such a right. By his conduct, he has put the other party in a particular position, and therefore, it would be unreasonable to facilitate a challenge before the court. Thus, a man responsible for his conduct on equity is not expected to be allowed to avail a remedy.

23. A defence of laches can only be allowed when there is no statutory bar. The question as to whether there exists a clear case of laches on the part of a person seeking a remedy is one of fact and so also that of prejudice. The said principle may not have any application when the existence of fraud is pleaded and proved by the other side. To determine the difference between the concept of laches and acquiescence is that, in a case involving mere laches, the principle of estoppel would apply to all the defences that are available to a party. Therefore, a defendant can succeed on the various grounds raised by the plaintiff, while an issue concerned alone would be amenable to acquiescence.

Acquiescence

24. We have already discussed the relationship between acquiescence on the one hand and delay and laches on the other.

25. Acquiescence would mean a tacit or passive acceptance. It is implied and reluctant consent to an act. In other words, such an action would qualify a passive assent. Thus, when acquiescence takes place, it presupposes knowledge against a particular act.

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From the knowledge comes passive acceptance, therefore instead of taking any action against any alleged refusal to perform the original contract, despite adequate knowledge of its terms, and instead being allowed to continue by consciously ignoring it and thereafter proceeding further, acquiescence does take place. As a consequence, it reintroduces a new implied agreement between the parties. Once such a situation arises, it is not open to the party that acquiesced itself to insist upon the compliance of the original terms. Hence, what is essential, is the conduct of the parties. We only dealt with the distinction involving a mere acquiescence. When acquiescence is followed by delay, it may become laches. Here again, we are inclined to hold that the concept of acquiescence is to be seen on a case-to-case basis.”

5. Learned counsel appearing for the petitioner could not point out or refer to any document so as to explain the delay of nearly 12 years in approaching the Court. This clearly shows that the petitioner went into a slumber and showed no interest in pursuing his legal rights. Thus, the impugned order passed by the learned Single Judge, does not require any interference by this Court.

6. In view of the above, finding no merit in the present appeal, the same is hereby dismissed.

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

**(SUDHIR SINGH)
JUDGE**

**(DEEPINDER SINGH NALWA)
JUDGE**

21.04.2025

himanshu

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No