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

**CWP-6332-2025 (O&M)  
Date of decision: 07.08.2025**

**Avtar Singh**

**... Petitioner**

**Vs.**

**The Punjab State Cooperative Supply and Marketing Federation Ltd.  
and another**

**... Respondents**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Munish Garg, Advocate  
for the petitioner.

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**HARPREET SINGH BRAR, J. (ORAL)**

1. Present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking quashing of the order dated 06.04.2017 (Annexure P-7), vide which the intervening period of dismissal was ordered to be treated as leave of kind due, in violation of the order dated 02.02.1993 (Annexure P-3), whereby the punishment of dismissal was modified to stoppage of three annual increments.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was dismissed from service vide order dated 08.08.1988 (Annexure P-1) passed by the competent authority i.e. respondent No.1, against which he



filed a revision petition under Rule 2.17 (a) of the Punjab State Supply and Marketing Cooperative Service (Common Cadre) Rules, 1967 before the Additional Registrar (Administration), Cooperative Societies, Punjab, who, vide order dated 02.02.1993 (Annexure P-3), modified the punishment of dismissal to the extent of stoppage of three annual increments. The order (Annexure P-3) was upheld by this Court, as such, it attained finality. Further, the impugned order dated 06.04.2017 (Annexure P-7) was passed in terms of Rule 5.7 of the Punjab State Cooperative Supply & Marketing Federation Employees (Punishment & Appeal) Rules, 1990, however, this Rule is not applicable to the case of the petitioner, as the same deals with suspension period only, whereas the petitioner was dismissed from service vide order dated 08.08.1988 (Annexure P-1). The case of the petitioner falls under Rule 5.7 of the Punjab State Cooperative Supply & Marketing Federation Employees (Common Cadre) Service Rules, 1990. As such, the impugned order (Annexure P-7) passed by respondent No.1-competent authority is not in consonance with the applicable Rules. Further, a prejudice has been caused to the petitioner by treating the intervening period of dismissal as leave of the kind due. It is further contended that the respondent-Federation challenged the order dated 02.02.1993 (Annexure P-3) before this Court by filing CWP-4675-1993, which was dismissed on 09.10.2013 (Annexure P-4). Thus, act and conduct of the respondents is totally illegal, unjust and against the principles of natural justice and equity.



3. Having heard learned counsel for the petitioner and after perusal of record of the case with his able assistance, this Court finds no force in the arguments advanced on behalf of the petitioner.

4. The impugned order (Annexure P-7) was passed on 06.04.2017 and the petitioner has been filed the present petition on 25.02.2025 against the said order. The petitioner cannot take benefit of his own wrongdoings by laying challenge to the impugned order after a delay of more than 07 years.

5. Learned counsel for the petitioner concedes that claim of the petitioner arose in the year 2017. However, he could not provide any satisfactory reason to justify the delay in approaching this Court.

6. 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 for the 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 *SS Balu v. 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)

7. 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 take into consideration 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. Reliance can also be placed on the judgment rendered by a Division Bench of this Court in *Kartar Singh Vs. Managing Director, HVPNL and others*, **CWP No.26962 of 2015** decided on 04.04.2018 as well as a Co-ordinate Benches of this Court in *Jai Narain Rohilla Vs. Uttar Haryana Bijli Vitran Nigam Ltd*, **CWP-1167 of 2025** decided on 17.01.2025.

8. In view of the discussion above, this Court does not find it to be a



fit case to invoke its extraordinary writ jurisdiction under Article 226 of the Constitution of India. Accordingly, the present petition stands dismissed.

9. All the pending miscellaneous application(s), if any, shall stand disposed of.

07.08.2025  
*vishnu*

**[ HARPREET SINGH BRAR ]**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No