



CWP-3751-2025 :1:

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

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**CWP-3751-2025 (O&M)  
Date of decision : 11.02.2025**

**OM PARKASH BANGA**

..... Petitioner

**VERSUS**

**STATE OF PUNJAB THROUGH PRINCIPAL SECRETARY TO  
GOVERNMENT OF PUNJAB AND OTHERS**

..... Respondents

**CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

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Present :- Mr. Nipun Mehta, Advocate  
for the petitioner.

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**Harsimran Singh Sethi, J. (Oral)**

1. In the present petition, the grievance being raised by the petitioner is that he was wrongly denied the promotion in the year 1989 i.e. approximately 3½ decades ago while the petitioner was in service.

2. The petitioner retired from service about 25 years ago and nothing has come on record as to why, the petitioner has not raised the said claim for promotion while in service or immediately after the retirement. The delay which has occurred has gone unexplained and service benefit cannot be claimed after retirement and that too after 2 ½ decades. No explanation has come for the same, hence, the present petition suffers from the delay and laches.

3. As per the judgment of Hon'ble the Supreme Court of India in

*Union of India Vs. Tarsem Singh, 2008 (8) SCC 648*, a belated service related claim is liable to be rejected on the ground of delay. The relevant paragraph 5 of the said judgment is as under:-

*“5. To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by filing a writ petition) or limitation (where remedy is sought by an application to the Administrative Tribunal). One of the exceptions to the said rule is cases relating to a continuing wrong. Where a service related claim is based on a continuing wrong, relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. But there is an exception to the exception. If the grievance is in respect of any order or administrative decision which related to or affected several others also, and if the re-opening of the issue would affect the settled rights of third parties, then the claim will not be entertained. For example, if the issue relates to payment or re-fixation of pay or pension, relief may be granted in spite of delay as it does not affect the rights of third parties. But if the claim involved issues relating to seniority or promotion etc., affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied. In so far as the consequential relief of recovery of arrears for a past period, the principles relating to recurring/successive wrongs will apply. As a consequence, High Courts will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition.”*

4. In the present case, claim of the petitioner is not of continuing wrong and hence, same cannot be considered at the belated stage.

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**:3:**

5. In view of above, no ground is made out for any inference by this Court and present petition is dismissed.

6. Pending applications, if any, also stand disposed of accordingly.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

**11.02.2025**

Rimpal

Whether speaking/reasoned

Yes

Whether Reportable :

No