



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

**LPA-2611-2025 (O&M)
Date of Decision: 30.09.2025**

**RAJINDER SINGH JANGU ... APPELLANT
VS.
STATE OF HARYANA AND OTHERS .. RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Balraj Singh Dhull, Advocate,
for the appellant.

Mr. Sourabh Mohunta, DAG, Haryana
for respondents No. 1 and 2.

Mr. Pankaj Middha, Addl. A.G.Haryana
for respondent No.3.

ASHWANI KUMAR MISHRA, J. (ORAL)

CM-6569-LPA-2025

Prayer in the present application is for condonation of delay of 173 days in filing the present appeal.

For the reasons stated in the application, the same is allowed and delay of 173 days in filing the present appeal is condoned.

LPA-2611-2025 (O&M)

This appeal arises out of an order passed by the learned Single Judge on 22.01.2025 whereby the writ petition filed by the appellant in respect of his claim for technical scale w.e.f. 01.05.1990 has been dismissed.

It is undisputed that the cause of action for filing the writ petition accrued to the petitioner in 1990 when such technical scale was granted to him. No grievance was raised thereafter. The petitioner continued

in service and ultimately retired in 2007. During his entire period of service, no issue, in this regard, was ever raised. The writ petition has been filed for the first time in 2021 which is 14 years after his retirement. The learned Single Judge had dismissed the petition on the ground of unexplained latches by relying upon a judgment of the Supreme Court in 'Mrinmoy Maity Vs. Chhanda Koley and others, 2024 SCC Online SC 551'. The observations of the Supreme Court contained in Para 9 to 11 have been noticed and are reproduced hereinbelow:-

“9. Having heard rival contentions raised and on perusal of the facts obtained in the present case, we are of the considered view that writ petitioner ought to have been non-suited or in other words writ petition ought to have been dismissed on the ground of delay and latches itself. An applicant who approaches the court belatedly or in other words sleeps over his rights for a considerable period of time, wakes up from his deep slumber ought not to be granted the extraordinary relief by the writ courts. This Court time and again has held that delay defeats equity. Delay or latches is one of the factors which should be born in mind by the High Court while exercising discretionary powers under Article 226 of the Constitution of India. In a given case, the High Court may refuse to invoke its extraordinary powers if laxity on the part of the applicant to assert his right has allowed the cause of action to drift away and attempts are made subsequently to rekindle the lapsed cause of action.

10. The discretion to be exercised would be with care and caution. If the delay which has occasioned in approaching the writ court is explained which would appeal to the conscience of the court, in such circumstances it cannot be gainsaid by the contesting party that for all times to come the delay is not to be condoned. There may be myriad circumstances which gives rise to the invoking of the extraordinary jurisdiction and it all depends on facts and circumstances of each case, same cannot be described in a straight jacket formula with mathematical precision. The ultimate discretion to be exercised by the writ court depends upon the facts that it has to travel or the terrain in which the facts have travelled.

11. For filing of a writ petition, there is no doubt that no fixed period of limitation is prescribed. However, when the extraordinary jurisdiction of the writ court is invoked, it has to be seen as to whether within a reasonable time same has been invoked and even submitting of memorials would not revive the dead cause of action or resurrect the cause of action which has had a natural death. In such circumstances on the ground of delay and laches alone, the appeal ought to be dismissed or the applicant ought to be non-suited. If it is found that the writ petitioner is guilty of delay and laches, the High Court ought to dismiss the petition on that sole ground itself, in as much as the writ courts are not to indulge in permitting such indolent litigant to take advantage of his own wrong. It is true that there cannot be any waiver of fundamental right but while exercising discretionary jurisdiction under Article 226, the High Court will have to necessarily take into consideration the delay and laches on the part of the applicant in approaching a writ court.”

The appeal is preferred on two grounds. It is firstly contended that the Full Bench of this Court in *Saroj Kumari Vs. State of Punjab, 1998 (3) RSJ 350*, has held that denial of higher pay scale is a recurring cause and, therefore, the plea of limitation will not arise. The second argument is that a bunch of petitions challenging an ordinance Act was pending before this Court and since the matter has been decided on 25.03.2025, as such, the delay is duly explained.

The submissions of the appellant's counsel are opposed by learned State counsel.

Having considered the submissions, we do not find any substance in both the arguments advanced on behalf of the appellant. So far as the Division Bench judgment dated 25.03.2025 rendered in CWP-11710-2014 titled as *Sarbans Singh and others Vs. The State of Haryana and others*, is concerned, the bunch of writ petitions had assailed the constitutional validity of Sections 3 and 4 of the Haryana (Abolition of

Distinction of Pay Scale between Technical and Non-technical Posts) Act, 2014 with which the appellant can have no concern since he was not even in service when the enactment was brought in 2014. So far as the Full Bench judgment in Saroj Kumari's case (supra) is concerned, the observations of the Court were made in the context of the facts of that case where the ad hoc teachers were claiming parity in the matter of grant of service benefits with their regular counterparts. The dispute had remained pending since 1995. Because of the peculiar facts of the case, the Court found that the appellant had a recurring cause and that for any delay in approaching the Court, the relief can be restricted only to three years prior to filing of the writ petition. The observations made in Saroj Kumari's case (supra) cannot be construed as laying down a proposition of law as per which the concept of latches itself will never come into play in the case of present appellant. Even otherwise, we find that the subsequent decision of the Supreme Court relied upon by the learned Single Judge is clearly applicable in the facts of the case. Accordingly, the appeal lacks merit and is consequently dismissed.

Pending applications, if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

30.09.2025

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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No