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

**CWP-12235-2026 (O&M)
Date of decision: 23.04.2026**

Ram Niwas

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.R. Yadav, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Addl. AG, Haryana.

Mr. Prince Singh, Advocate
for respondents No.2 & 3.

HARPREET SINGH BRAR, J. (ORAL)

1. Present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking quashing of the charge-sheet dated 07.11.2013 (Annexure P-7), inquiry report dated 18.11.2014 (Annexure P-9), the order dated 08.11.2018 (Annexure P-11) passed by respondent No.3, imposing penalty of recovery and the order dated 31.05.2022 (Annexure P-13) passed by the Secretary of the respondent-Board, dismissing the appeal filed by the petitioner. Further to quash the



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memorandum of dated 08.11.2013 (Annexure P-14), order dated 04.11.2014 (Annexure P-15) passed by respondent No.3, vide which penalty of recovery was imposed and the order dated 21.01.2022 (Annexure P-16) passed by the Secretary of the respondent-Board, dismissing the appeal filed by the petitioner. It is further prayed for modification of the order dated 28.02.2019 (Annexure P-22) passed by respondent No.3, whereby the petitioner was promoted with immediate effect w.e.f. 28.02.2019 and thus was denied promotion from the date i.e. 18.04.2012, when his juniors were promoted and also to quash the order dated 08.09.2025 (Annexure P-29) passed by respondent No.3, denying the promotion due to non-availability of vacant seat in promotion quota (AMIE Degree holder) from 19.04.1991 to January, 2000. It is also prayed to issue a writ in the nature of *mandamus* directing the official respondents to grant promotion and 2nd & 3rd ACP to the petitioner with all the consequential benefits including interest on the delayed payments as sought vide representation dated 26.12.2025 (Annexure P-32) and further to grant interest on the delayed payment of gratuity granted vide order/endorsement dated 23.02.2026 (Annexure P-34) from the date, it became due.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was appointed as Junior Engineer in the respondent-Board on 13.02.1981. After obtaining prior permission from the respondent-Board in the year 1984, he pursued and completed his Bachelor of Engineering Degree



during the year 1987-1990. Further, on 12.10.1990, the employees junior to the petitioner were promoted as Sub Divisional Engineer (for short 'SDE'). Feeling aggrieved, he approached this Court by way of filing CWP-8154-1993 and while deciding the said petition on 31.03.1994, promotion was set aside and it was directed to consider petitioner's promotion from 12.10.1990. The aforesaid judgment dated 31.03.1994 rendered by this Court was upheld upto the Hon'ble Supreme Court. Thereafter, the petitioner filed a contempt petition and during pendency of the same, one ACR of the petitioner was downgraded to below average, however, after representation, ACR was treated as 'Good'. It is further submitted that in the year 1999, the petitioner filed a writ petition i.e. CWP-9652-1999 and after that, another charge sheet under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987 (for short 'Rules of 1987') was issued, however, the same was dropped in the year 2000. Thereafter, vide order dated 21.01.2000 (Annexure P-1), the petitioner was promoted as SDE and on 26.10.2009, he was assigned officiating charge of Executive Engineer (XEN), Hisar and subsequently, on 10.12.2009, he was appointed as officiating Executive Engineer (XEN), Gurugram. On 16.04.2010, the Superintending Engineer recommended promotion of the petitioner, as discernible from letter (Annexure P-2).

3. It is further contended that on 13.05.2010, while discharging his duties, the petitioner approved the payment of Rs.10.00 lakhs to a contractor against a bill of Rs.33.00 lakhs, which is evident from the proceedings



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(Annexure P-3). Thereafter, on 19.05.2010, the contractor got registered an FIR against the petitioner, in which, he was ultimately acquitted. Further, on 08.08.2013, the petitioner received copy of inquiry report dated 29.06.2010 (Annexure P-6), in which it is categorically stated that he acted in the interest of respondent-Board in order to discharge his duties and he was not at fault. Despite that, a charge-sheet under Rule 7 of Rules of 1987 was issued on 07.11.2013 (Annexure P-7) for making payment of Rs.10.00 lakhs to the contractor, to which he submitted a reply on 04.12.2013 (Annexure P-8). Thereafter, on 18.11.2024, inquiry report was submitted to respondent No.3 by the Inquiry Officer against the petitioner and other officers, as discernible from Annexure P-9. After issuing show cause notice dated 09.02.2016 and on receipt of reply dated 01.03.2016 (Annexure P-10), respondent No.3 passed an order dated 08.11.2018 (Annexure P-11) imposing recovery to the tune of 5% of the total alleged loss of Rs.7,35,860/-, upon the petitioner. Against the said order, the petitioner preferred an appeal on 21.11.2018 (Annexure P-12), which was dismissed vide order dated 31.05.2022 (Annexure P-13).

4. Learned counsel for the petitioner next contends that on 08.11.2013, another charge sheet (Annexure P-14) under Rule 8 of Rules of 1987 was issued against the petitioner and on conclusion of the proceedings, respondent No.3 passed an order dated 04.11.2014 (Annexure P-15) imposing recovery of Rs.16,687/-. The statutory appeal filed by the petitioner against the said order was dismissed on 21.01.2022, as discernible from Annexure P-



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16. Further, vide order dated 18.04.2012 (Annexure P-20), two persons junior to the petitioners i.e. respondents No.4 & 5 were promoted as Executive Engineers and the petitioner was promoted to the said post only on 28.02.2019 (Annexure P-22) and on the same day, he retired from service. It is contended that the charge-sheet issued to the petitioner under Rule 7 of the Rules of 1987 on 05.11.2020 was kept pending for about 05 years and it was finally dropped on 27.10.2025 after his retirement, which is evident from order (Annexure P-30) and after that, by issuing a letter dated 23.02.2026 (Annexure P-34), gratuity amount of Rs.17,85,168/- was sanctioned and while deducting the recovery amount of Rs.53,480/-, remaining amount of Rs.17,31,688/- was paid on 12.03.2026 even without interest. As such, the petitioner is entitled to interest on delayed the payment of gratuity. Furthermore, vide order dated 08.09.2025 (Annexure P-29), the petitioner was denied promotion on the ground that no vacant post in promotional quota was available from 19.04.1991 to January, 2000. It is also contended that while deciding CWP-9652-1999 on 29.01.2025 (Annexure P-28), this Court directed the respondents to consider the claim of the petitioner for promotion, if any promotional post was available during the period from 19.04.1991 to January, 2000. In purported compliance, the claim of the petitioner was declined by passing the impugned order dated 08.09.2025 (Annexure P-29).

5. *Per contra*, learned counsel for respondents No.2 & 3 submits that as far as challenge to orders dated 31.05.2022 (Annexure P-13) and



21.01.2022 (Annexure P-16) dismissing the appeals filed by the petitioner are concerned, the same are barred by the delay and laches. The petitioner relinquished his right to challenge the said orders by remaining indolent for more than 03 years. Further, his right to seek quashing of the order dated 28.02.2019 (Annexure P-22) and to get promotion from the date i.e. 18.04.2012, when his juniors were promoted, is time barred and the same also suffers from delay and laches. Admittedly, right of the petitioner was crystallized in the year 2012, when his juniors were promoted.

6. It is further submitted that as far as prayer for quashing of the order dated 08.09.2025 (Annexure P-29) is concerned, this Court, while disposing of CWP-9652-1999 on 29.01.2025 (Annexure P-28), directed the respondents to consider whether any promotional post was available during the period from 19.04.1991 to January, 2000 and if so, the petitioner is entitled to said post. In compliance of the order (Annexure P-28), impugned order dated 08.09.2025 (Annexure P-29) was passed giving therein the complete details of all the officers, who were promoted during this period.

7. Having heard learned counsel for the parties and after perusing the record of the case file with their able assistance, it transpires that the appellate authority passed the impugned orders on 31.05.2022 and 21.01.2022 (Annexures P-13 & P-16) dismissing the statutory appeals filed by the petitioner and as such, on the ground of delay alone, this petition is liable to be dismissed.



8. Further, claim of the petitioner for promotion from the date i.e. 18.04.2012, when his juniors were promoted, is also barred by delay and laches, as it is trite law that any grievance raised regarding promotion beyond the period of 03 years is not permissible. Also, learned counsel for the petitioner could not provide any satisfactory reason to justify the delay in approaching this Court.

9. 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, 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)

10. 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 reasoned enough to dismiss a petition, as indolent litigants ought not to be encouraged by writ Courts.

11. In ***State of Uttaranchal Vs. Shiv Charan Singh Bhandari, (2013) 12 SCC 179***, while considering the issue regarding delay and laches and referring to earlier judgments on the issue, a two-Judge Bench of the Hon'ble Supreme Court opined that repeated representations made will not keep the issues alive. A stale or a dead issue/dispute cannot be got revived, even if such a representation has either been decided by the authority or got decided by getting a direction from the Court, as the issue regarding delay and laches is to be decided with reference to original cause of action and not with



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reference to any such order passed. Delay and laches on the part of a government servant may deprive him of the benefit, which had been given to others. Article 14 of the Constitution of India, in a situation of that nature, will not be attracted, as it is well settled that law leans in favour of those who are alert and vigilant.

12. In *Union of India and others Vs. M. K. Sarkar, (2010) 2 SCC 59*, the Hon'ble Supreme Court has ruled that when a belated representation in regard to a 'stale' or 'dead' issue/dispute is considered and decided, in compliance with a direction by the Court/Tribunal to do so, the date of such decision cannot be considered as furnishing a fresh cause of action for reviving the 'dead' issue or time-barred dispute. The issue of limitation or delay and laches should be considered with reference to the original cause of action and not with reference to the date, on which an order is passed in compliance with a Court's direction. Neither direction of a Court to consider the representation issued without examining the merits, nor a decision given in compliance with such direction, will extend the limitation, or erase the delay and laches.

13. Further, the prayer for quashing of the order dated 08.09.2025 (Annexure P-29) is entirely based upon the order dated 29.01.2025 (Annexure P-28) passed by this Court in CWP-9652-1999, relevant part of which reads as under: -

"In the wake of above discussion and findings, the petition



stands disposed of with a direction to respondent to consider whether any promotional post was available during April 1991 to January 2000. If any post was available, the petitioner is entitled to said post because he has already been exonerated in departmental proceedings and adverse remarks stands expunged.”

14. For ready reference, the relevant portion of the impugned order dated 08.09.2025 (Annexure P-29) passed in compliance of the aforesaid order dated 29.01.2025 (Annexure P-28) is as follows: -

“It is further pertinent to mention that the following officials were senior to the petitioner, who had acquired degree of BE and AMIE as per gradation list of Junior Engineers as on 01.01.1989 & 12.10.1990. The details of such officers including the petitioner and Sh. Anil Garg are as follows-

Sr. No.	S/Sh.	Date of joining	Seniority	Type of Degree	Date of acquiring degree of AMIE	Promoted to the post of SDE
1.	Mukesh Arora	12.03.1979	80	AMIE	31.10.1990	19.04.1991
2.	Sham Sunder Arora	21.04.1979	81	AMIE	1987	19.04.1991
3.	Romesh Garg	19.02.1980	94	AMIE	1987	15.12.1998 w.e.f. 19.04.1991 and regularized w.e.f. 01.11.1995
4.	Ram Niwas (petitioner)	13.02.1981	101	B.E.	Aug, 1990	05.03.2001
5.	Anil Garg	04.02.1981	118	B.E.	1983	01.12.2010

Thereafter, the petitioner in the present petition filed another CWP No.1699 of 1999 which was disposed of on



09.02.1999 with the direction to decide the representations dated 04.01.1999. Therefore, in compliance of such orders, an another speaking order dated 21.03.1999 was passed whereby the claim of promotion of the order was again rejected on the ground that his claim could not be considered on the basis of the seniority of JEs.

Therefore, in view of position sketched above, it comes out that the petitioner claimed the benefit of promotion from the date, his juniors were promoted on the post of SDE. However, it comes out that no junior to the petitioner was promoted on the post of SDE except Sh. Anil Garg who was junior to the petitioner. Moreover, Sh. Anil Garg who was promoted to the post of SDE on adhoc basis has also been reverted to the post of JE vide order dated 07.12.1994. Furthermore, Sh. Surender Mohan Sharma, Sh. Mukesh Arora, Sh. S.S. Arora, Sh. Ramesh Kumar Garg, (AMIE holders) were only promoted to the post of SDE from 19.04.1991 to January, 2000 and they all are seniors to the petitioner. Further, there was no other vacant seat of SDE in promotion quota (AMIE degree holder) from 19.04.1991 to January, 2000 which might be given to the petitioner. Thereafter, the petitioner was promoted on the post of SDE as per the vacancy on 05.03.2021. Therefore, claim of the petitioner cannot be considered in view of the above factual position and decided accordingly.”

15. Further, claim of the petitioner for grant of 2nd and 3rd ACP is also barred by delay and laches, as he retired on 28.02.2019 and he never agitated regarding said claim during his service period and only for the first time, as per his own pleadings, he filed representation dated 26.12.2025



(Annexure P-32).

16. This Court, apart from grant of interest on the delayed payment of gratuity, is not in a position to consider any claim in view of the aforementioned facts and circumstances. Admittedly, the petitioner retired on 28.02.2019 and after his retirement, a charge-sheet issued to the petitioner under Rule 7 of the Rules of 1987 on 05.11.2020, which was kept pending for nearly 05 years and it was finally dropped vide order dated 27.10.2025 (Annexure P-30), which is contrary to the law laid down by the Hon'ble Supreme Court in ***Prem Nath Bali Vs. Registrar, High Court of Delhi and another, Civil Appeal No.958 of 2010***, decided on 16.12.2015 and the judgment of this Court in ***CWP-9606-2022*** titled as ***Khairati Lal Vs. State of Haryana and others***, decided on 13.10.2025, wherein it has been held that the disciplinary proceedings against an employee must be decided within a reasonable time. Without concluding the disciplinary proceedings/enquiries within suitable timeframe and in the absence of passing of any order of punishment, the respondents cannot withhold part of the retiral dues of an employee merely on the basis of an undertaking, which was taken under compelled circumstances. Further, the respondent-Board took about 05 years in releasing the amount of gratuity after retirement of the petitioner, which was released only on 12.03.2026. As such, the petitioner is entitled to interest on account of delay in releasing the payment of gratuity.

17. In the present case, the petitioner has approached this Court after



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a considerable lapse of time. Repeated representations will not keep the issue(s) alive and no plausible explanation has been offered by learned counsel for the petitioner for the delay in filing the present petition.

18. In view of the above discussion, present petition is disposed of and the respondents are directed to pay the interest on the delayed payment of gratuity @6% *per annum* to the petitioner, which is to be computed after two months of his date of retirement i.e. 28.02.2019, in terms of judgment rendered by the Full Bench of this Court in ***A.S. Randhawa Supg. Engineer (Retd.) Vs. State of Punjab, 1998 (1) SCT 34*** till the date of actual payment. The needful be done within a period of three months from the date of receipt of certified copy of this order.

19. The pending miscellaneous application(s), if any, shall stand disposed of.

[HARPREET SINGH BRAR]
JUDGE

23.04.2026
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No