



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

211

CWP-12123-2016

Date of Decision: **11.05.2026**

Ajmer Singh

.....Petitioner

VERSUS

The Punjab State Cooperative Supply & Marketing Federation Limited and
others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Gurinderpal Singh with Ms. Sukhmandeep Kaur and
Mr. Anirudh Wadhwa, Advocates for the petitioner.

Mr. Karan Singla, Advocate for the respondent-Markfed.

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India with a prayer for issuance of an appropriate writ or order in the nature of *mandamus* directing the respondents to pay the pensionary benefits i.e. leave encashment, gratuity and earned leave along with the pending 25% subsistence allowance and arrears of salary from 29.09.1988 to 22.01.1990 along with interest @ 12% per annum from the date the amount became due till realization of the amount.

**CONTENTIONS OF PETITIONER**

2. Learned counsel for the petitioner, inter alia, contends that the petitioner initially joined service as a Field Sub Inspector on 13.05.1968. Thereafter, he was promoted to the post of Field Officer on 26.06.1981 and subsequently promoted as Branch Officer on 13.06.1996. Ultimately, the petitioner retired from service upon attaining the age of superannuation on 30.06.1999.

2.1 It is further contended that during the course of service, the petitioner was placed under suspension and disciplinary proceedings were initiated against him vide suspension order dated 03.11.1983. Upon conclusion of the departmental inquiry, the petitioner was dismissed from service vide order dated 29.09.1988. However, the petition preferred by the petitioner against the dismissal order was accepted and he was reinstated into service w.e.f. 22.01.1990 vide Resolution dated 22.01.1990 (Annexure P-2).

2.2 Learned counsel further submits that despite reinstatement into service, the petitioner has not been granted the consequential retiral and monetary benefits legally due to him. The petitioner is, therefore, seeking release of pensionary benefits including leave encashment, gratuity and earned leave, along with subsistence allowance and arrears of salary for the period commencing from the date of suspension/dismissal till the date of reinstatement i.e. 22.01.1990.



CONTENTIONS OF RESPONDENTS

3. *Per contra*, learned counsel for the respondents submits that the petitioner was dismissed from service on 29.09.1988 and was subsequently reinstated into service vide Resolution No.271 dated 22.01.1990 (Annexure P-2). Thereafter, the petitioner continued in service till his retirement on 30.06.1999.

3.1 It is contended that the petitioner has never challenged Resolution No.271 dated 22.01.1990 (Annexure P-2), whereby he was reinstated into service and order dated 09.12.1994 (Annexure R-2), in which it was specifically decided that the petitioner would not be entitled to any payment over and above the subsistence allowance already paid to him and that he would not be entitled to any salary or other monetary benefits for the period during which he remained out of service from Markfed.

3.2 Learned counsel further submits that the petitioner has approached this Court only in the year 2016 by way of the present writ petition, despite the cause of action, if any, having arisen decades earlier. It is thus contended that no surviving cause of action remains in favour of the petitioner after such an inordinate and unexplained lapse of time.

**OBSERVATIONS AND ANALYSIS**

4. Having heard learned counsel for the parties and upon perusal of the pleadings and material available on record, this Court finds that the petitioner was dismissed from service vide order dated 29.09.1988 and was subsequently reinstated into service pursuant to Resolution No.271 dated 22.01.1990 (Annexure P-2). Admittedly, the petitioner continued in service thereafter retired from service upon attaining the age of superannuation on 30.06.1999. The claim raised in the present writ petition pertains to grant of consequential monetary and retiral benefits for the period commencing from the date of suspension/dismissal till the date of reinstatement into service.

4.1 This Court further finds that the petitioner has neither challenged the validity of Resolution No.271 dated 22.01.1990 (Annexure P-2), whereby he was reinstated into service, nor assailed order dated 09.12.1994 (Annexure R-2), wherein it was specifically decided that the petitioner would not be entitled to any payment beyond the subsistence allowance already paid to him and that no salary or other consequential monetary benefits would be admissible for the period he remained out of service from Markfed.

4.2 It is also not in dispute that despite the aforesaid stipulations, the petitioner accepted the order of reinstatement and continued in service till his retirement without raising any protest or challenge to the conditions incorporated therein. Once the petitioner consciously acquiesced to the terms and conditions governing his reinstatement and accepted the consequential orders without demur, he cannot now be permitted to reopen



the settled issue after decades. The petitioner is clearly estopped by his own conduct from assailing the consequences flowing from the aforesaid orders at such a belated stage.

4.3 This Court further finds that the petitioner retired from service on 30.06.1999, whereas the present writ petition came to be instituted only in the year 2016, i.e. after an inordinate delay of approximately 17 years from the date of retirement and nearly 26 years from the date of reinstatement. No plausible or satisfactory explanation has been furnished in the writ petition explaining the enormous delay in approaching this Court.

5. It is well settled that the extraordinary jurisdiction of this Court under Articles 226/227 of the Constitution of India is discretionary in nature and a person who approaches the Court after an inordinate and unexplained delay is not entitled to claim relief as a matter of right. The doctrine of delay and laches squarely applies in the present case, as the petitioners remained silent for a considerable period and woke up only after several years.

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 her 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 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 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 Coordinate Bench of this Court in ***Jai Narain Rohilla vs. Uttar Haryana Bijli Vitran Nigam Ltd*** in ***CWP-1167 of 2025*** decided on 17.01.2025.

8. In view of the discussion above, this Court does not find it appropriate to invoke its extraordinary writ jurisdiction under Article 226 of the Constitution of India. Accordingly, the present petition stands dismissed.

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

(HARPREET SINGH BRAR)
JUDGE

11.05.2026
Puneet Chawla

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