



2026:PHHC:073175



2026:PHHC:073175

122

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

CWP-14545-2026

Date of decision: 11.05.2026

Rakesh Kumar Singla

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vivek Sharma, Advocate and
Mr. Tushaar Garg, Advocate
for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

Ms. Monika Sharma, Advocate
for respondent No.2-PWRMDC.**HARPREET SINGH BRAR, J. (ORAL)**

1. The 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* for quashing the reply dated 06.04.2026 (Annexure P-6). Further, for issuance of a writ in the nature of *mandamus* directing the respondents to grant the revised pay to the petitioner from the actual completion of four years w.e.f. 06.03.2002 and 09 years w.e.f. 06.03.2007 and as per ACP Rules, 1998 and accordingly, revise the retiral benefits of the petitioner with all consequential benefits and the entire arrears be released with 9% interest.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was appointed as Sectional Officer on 30.06.1980. He was promoted as Sub Divisional Engineer on 06.03.1998 and thereafter as Divisional Engineer on 30.06.2015. The petitioner retired from service on 31.08.2018. The



2026:PHHC:073175



2026:PHHC:073175

CWP-14545-2026

-2-

respondents introduced the ACP Scheme under the Punjab Civil Services Rules (Revised Pay) Rules, 1998 vide instructions dated 17.04.2000. The petitioner was granted ACP benefit on completion of 04 years w.e.f. 01.01.2003 instead of 06.03.2002, and the benefit of 09 years ACP was granted w.e.f. 01.01.2008 instead of 06.03.2007. He further submits that the issue as to whether ACP benefits are to be extended from the due date or from 1st January of the following year was considered by this Court in CWP No.5956 of 2015 titled as ***Manjit Singh Bahra Vs. The Principal Secretary, Department of Irrigation, Punjab and others*** decided on 10.01.2017. Therefore, once the question of law governing the applicability of the Revised Pay Rules, 1998 has already been settled by this Court, the benefit thereof is liable to be extended to all similarly situated employees.

2.2 Learned counsel for the petitioner further refers to Annexure P-4 and submits that similarly situated employees, namely, Jagdish Kumar Arya and Hari Krishan Garg, had also approached this Court by way of filing CWP No.22417 of 2020 titled as ***Jagdish Kumar Arya and others Vs. State of Punjab and another*** and CWP No.22491 of 2020 titled as ***Hari Krishan Garg and others Vs. State of Punjab and another*** which were decided on 11.03.2025. The said judgments have been implemented on 19.09.2025 as discernible from Annexure P-5, as such, the petitioner is also entitled to the same relief. However, the petitioner's representation dated 09.12.2025 (Annexure P-2) was declined on 06.04.2026 (Annexure P-6) solely on the ground that he was not a party in the connected writ petitions. The refusal to grant the benefits solely on the ground that the petitioner was not a party is



CWP-14545-2026

-3-

arbitrary and violates Article 14 of the Constitution of India, besides being contrary to the law laid down by the Division Bench of this Court in ***Sathir Singh and others vs. State of Haryana and others, 2002 (2) SCT 354.***

3. *Per contra*, learned counsel for respondent No. 2 submits that the petitioner is a fence-sitter. Admittedly, the recommendations of the 4th Punjab Pay Commission concerning the Assured Career Progression Scheme were implemented in the year 2000. The petitioner was granted the benefit of 04 years' ACP on 01.01.2003 and 09 years' ACP on 01.01.2008. The petitioner retired on 31.08.2018 and remained indolent, therefore, he cannot be permitted to derive benefit from the favourable orders passed in ***Manjit Singh Bahra's case (supra)*** wherein the writ petition had been filed in the year 2015. The claim raised by the petitioner suffers from the vice of delay and laches and recurring cause of action is available only till the petitioner remains in service. After retirement, the petitioner cannot be allowed to re-agitate the claim of pay-fixation.

4. Having heard learned counsel for the parties and after perusal of the record with their able assistance, it transpires that the petitioner retired on 31.08.2018, whereas, the cause of action arose on 06.03.2002 and, thereafter, on 06.03.2007, when the petitioner was granted the benefit of 04 years' and 09 years' ACP scales on 06.03.2003 and 01.01.2008, respectively. His reliance upon the judgments of this Court in ***Manjit Singh Bahra's case (supra)*** and ***Jagdish Kumar Arya's case (supra)*** is totally misplaced, as those petitioners had approached this Court within a reasonable time, whereas, the present petitioner has approached this Court after 8 years of his retirement and after 18



CWP-14545-2026

-4-

years from the accrual of the cause of action.

5. 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 petitioner has failed to specify any compelling or extenuating circumstance which prevented him/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)



CWP-14545-2026

-5-

6. 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.

7. In *State of Uttaranchal v. 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 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.

8. In *Union of India and others v. 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



2026:PHHC:073175



2026:PHHC:073175

CWP-14545-2026**-6-**

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 a court's direction to consider a 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.

9. In the present case, the Petitioner has approached this Court after a considerable lapse of time. Repeated representations will not keep the issues alive and no plausible explanation has been offered by learned counsel for the petitioner for the delay in filing the present petition.

10. 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.

(HARPREET SINGH BRAR)
JUDGE

11.05.2026*Neha*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No