



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

**CWP-14877-2026
DECIDED ON: 13.05.2026**

DARSHAN SINGH AND ANR.

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS

....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. R.B. Garg, Advocate
 Mr. Mayank Garg, Advocate with
 Ms. Komal Parveen Singh, Advocate for the petitioner(s)

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana

SANDEEP MOUDGIL, J

Prayer

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus directing the respondents to regularize the services of the petitioners w.e.f. 31.1.1996 in terms of the regularization policies dated 7.3.1996 and 18.3.1996, along with all consequential benefits including arrears of pay, pensionary and retiral benefits with interest, with a further prayer for issuance of a writ in the nature of certiorari for quashing the impugned order dated 31.10.2002 passed by respondent No.4, whereby the claim of petitioner No.2 for regularization w.e.f. 31.1.1996 was rejected.



Brief Facts

2. The petitioners were engaged as daily wage Beldars under the respondent-Department in the years 1991 and 1987 respectively and continuously served the Department for several years. The State of Haryana issued regularization policies dated 7.3.1996 and 18.3.1996 for regularization of daily wage employees who had completed the requisite service with 240 days in each year as on 31.1.1996.

3. Petitioner No.1 was terminated from service in December 1997 without notice, but the Labour Court vide Award dated 8.11.2001 ordered his reinstatement with continuity of service and back wages. Petitioner No.2 approached this Court seeking regularization; however, his claim was rejected vide order dated 31.10.2002 on the ground that he had not completed 240 days of service, which according to the petitioners is contrary to record.

4. Subsequently, both the petitioners were regularized w.e.f. 30.9.2003 vide order dated 24.6.2004. A similarly situated employee namely Bihari was later granted regularization w.e.f. 31.1.1996 with consequential benefits by this Hon'ble Court. Claiming parity and alleging discrimination, the petitioners seek regularization from 31.1.1996 along with consequential monetary and retiral benefits.

5. Petitioner No.2 has since retired from service on attaining the age of superannuation on 24.2.2026. The petitioners served legal notice dated 20.4.2026 upon the respondents seeking grant of regularization w.e.f. 31.1.1996 along with consequential monetary and retiral benefits, but no action has been taken.

6. Hence, this petition.



Contentions
On the behalf of petitioner

7. Learned counsel for the petitioners contends that the petitioners had rendered long and continuous service as daily wage Beldars and fulfilled all the conditions prescribed under the regularization policies dated 7.3.1996 and 18.3.1996, thereby entitling them to regularization w.e.f. 31.1.1996. It is submitted that petitioner No.1 was illegally terminated despite completion of 240 days of service and was reinstated with continuity of service by the Labour Court. It is further contended that the claim of petitioner No.2 was wrongly rejected vide impugned order dated 31.10.2002 on erroneous grounds contrary to the service record.

8. Learned counsel further submits that both the petitioners were subsequently regularized w.e.f. 30.9.2003, which itself establishes their continuous service and eligibility. Reliance has also been placed upon the judgment passed in the case of similarly situated employee Bihari, who was granted regularization w.e.f. 31.1.1996 with consequential benefits by this Court. It is argued that denial of similar benefit to the petitioners is arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India.

Analysis

9. After hearing learned counsel for the parties and perusing the record, this Court finds no merit in the present writ petition.

10. Admittedly, the petitioners were regularized by the respondent-Department vide order dated 24.6.2004 w.e.f. 30.9.2003 under the subsequent regularization policy. The said order was accepted by the petitioners without any



protest or objection and the petitioners continued in service on the said basis for all these years. At no point of time did the petitioners challenge the regularization order or seek its modification claiming regularization from 31.1.1996. Rather, the present petition has been filed after an inordinate and unexplained delay of more than two decades from the passing of the impugned order dated 31.10.2002 and the regularization order dated 24.6.2004.

11. It is well settled that relief under Article 226 of the Constitution of India is discretionary and persons approaching the writ Court must do so within a reasonable time. The petitioners, having remained silent for years together and having acquiesced to their regularization w.e.f. 30.9.2003, cannot now be permitted to reopen stale and settled claims. The extraordinary writ jurisdiction cannot be invoked for revival of dead and time-barred claims.

12. This Court is also of the considered view that once the petitioners accepted the regularization order dated 24.6.2004 without demur, they are estopped from claiming regularization under the earlier policies dated 7.3.1996 and 18.3.1996. The conduct of the petitioners clearly amounts to acquiescence and waiver of any alleged claim for earlier regularization. In ***Chairman and MD, NTPC Ltd. v. Reshmi Constructions, Builders and Contractors***, (2004) 2 SCC 663, the Supreme Court held that a party which knowingly accepts the benefits under an order or agreement cannot subsequently challenge the same. Relevant extract is as under:

35. In Halsbury's Laws of England, 4th Edition, Vol. 16 (Reissue) para 957 at page 844 it is stated :

"On the principle that a person may not approbate and reprobate a special species of estoppel has arisen. The principle that a person may not approbate and reprobate express two propositions :



(1) That the person in question, having a choice between two courses of conduct is to be treated as having made an election from which he cannot resale.

(2) That he will be regarded, in general at any rate, as having so elected unless he has taken a benefit under or arising out of the course of conduct, which he has first pursued and with which his subsequent conduct is inconsistent."

36. In American Jurispendence, 2nd Edition, Volume 28, 1966, page 677-680 it is stated :

"Estoppel by the acceptance of benefits :

Estoppel is frequently based upon the acceptance and retention, by one having knowledge or notice of the facts, of benefits from a transaction, contract, instrument, regulation which he might have rejected or contested. This doctrine is obviously a branch of the rule against assuming inconsistent positions.

As a general principle, one who knowingly accepts the benefits of a contract or conveyance is estopped to deny the validity or binding effect on him of such contract or conveyance.

This rule has to be applied to do equity and must not be applied in such a manner as to violate the principles of right and good conscience."

13 It is also well settled that an employee who voluntarily accepts the benefits of a policy or scheme is estopped from later challenging it merely because a more beneficial policy existed earlier. A party cannot be permitted to "blow hot-blow cold", where one knowingly accepts the benefits of an order, he is estopped from denying the validity of, or the binding effect of such order upon himself.

14. The reliance placed by the petitioners upon the judgment rendered in the case of Bihari also does not advance their case, as the petitioners failed to pursue their alleged claim diligently and allowed the matter to attain finality long ago. Mere grant of relief to another employee does not automatically revive a stale cause of action.

Conclusion

15. Accordingly, in view of the unexplained delay and laches coupled with the fact that the petitioners had accepted the regularization order without



protest, this Court is not inclined to exercise its extraordinary writ jurisdiction in favour of the petitioners.

16. Consequently, the present writ petition is dismissed.

17. Pending application(s), if any shall disposed off.

(SANDEEP MOUDGIL)
JUDGE

13.05.2026
anuradha

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