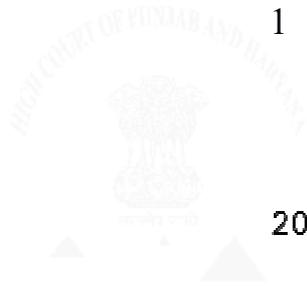


CWP-3733-2026



2026:PHHC:021974



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

CWP-3733-2026

Fatehpal Singh and others

.....Petitioner

VERSUS

Punjab State Power Corporation Limited and others

..Respondents

Reserved on: 09.02.2026

Pronounced on: 12.02.2026

Uploaded on: 12.02.2026

Whether only the operative part of the judgment is pronounced? No
Whether full judgment is pronounced? Yes

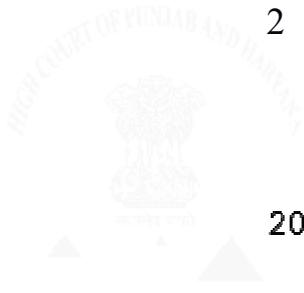
CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Pawan Kumar, Sr. Advocate with Ms. Vidushi Kumari,
Mr. Bhuvnesh Sharma and Ms. Seema Rani, Advocates for the
petitioners.

Mr. Rahul Sharma, Sr. Advocate with Mr. Aditya Narayan
Arya Garg, Advocate for respondents No.1 to 3.

HARPREET SINGH BRAR, J. (Oral)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the impugned seniority lists of Assistant Engineers



(Electrical) dated 11.03.2004 (Annexure P-4) and subsequent lists for higher cadres including Assistant Executive Engineer and Senior Executive Engineer, as well as the impugned orders dated 28.03.2024 (Annexure P-11) and 08.11.2024 (Annexure P-12), and for a writ of mandamus directing the respondents to fix the seniority of the petitioners strictly on the basis of merit in accordance with the judgment of the Hon'ble Supreme Court in *Ajit Singh Janjua v. State of Punjab and others, 1989 (4) RSJ 211* and the applicable Government instructions, with all consequential benefits.

2. Learned counsel for the petitioners, *inter alia*, contends that the petitioners were appointed as Assistant Engineers (Electrical) (General Category Officers) in the year 1999 pursuant to Advertisement CRA No.210/1998 (Annexure P-1). The Government of Punjab issued instructions in the years 1996, 1999 and 2000, as discernible from Annexures P-13 and P-14, adopting the principle enunciated by the Hon'ble Supreme Court in *Ajit Singh Janjua v. State of Punjab, 1989 (4) RSJ 211 (SC)*, holding that roster points cannot determine seniority and that seniority has to be fixed on the basis of merit. Despite the aforesaid settled position of law, the respondent-Corporation issued a seniority list of Assistant Engineers on 11.03.2004 (Annexure P-4) and subsequent seniority lists for higher cadres, namely Assistant Executive Engineer (AEE) and Senior Executive Engineer (SEE), by applying roster points, thereby placing reserved category candidates junior in merit above the petitioners. Aggrieved thereby, the petitioners submitted various representations and



also approached this Court by filing **CWP No.26975 of 2018**, which stood disposed of on 02.03.2023 (Annexure P-9). It is further submitted that the respondent-Corporation itself obtained a legal opinion, wherein it was categorically opined that the judgment rendered in *Ajit Singh's case (supra)* was required to be applied. However, instead of acting in accordance with the said legal opinion, the respondent-Corporation passed the impugned order dated 28.03.2024 (Annexure P-11) rejecting the claim of the petitioners and finalized the seniority list. A subsequent rejection order dated 08.11.2024 (Annexure P-12) was also passed.

2.1 Learned Senior Counsel for the petitioners further refers to Regulations 9 and 16 of the Punjab State Electricity Board Service of Engineers (Electrical) Regulations, 1965, which govern the determination of seniority. It is submitted that a conjoint reading of Regulations 9 and 16 clearly establishes that the seniority of Assistant Engineers appointed through direct recruitment is to be determined strictly on the basis of merit secured in the selection process as per the merit list prepared by the competent authority, and that such seniority once fixed cannot be disturbed.

2.2 Learned Senior Counsel also places reliance on the instructions dated 10.10.2024 (Annexure P-8) issued by the Government of Punjab, which unequivocally stipulate that in cases of direct recruitment, seniority shall be determined solely on the basis of merit as prepared at the time of selection. Further, as per the note appended to paragraph 5.3 of Chapter-5, the reservation/roster registers are merely an aid to ensure implementation of

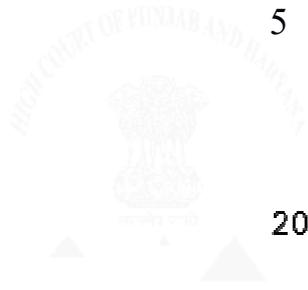


reservation policy and do not determine seniority.

2.3 Further reliance is placed on letter dated 15.10.2003 (Annexure P-2) and subsequent instructions issued by the Government of Punjab (Annexure P-3) in compliance with the judgment of the Hon'ble Supreme Court in *Ajit Singh's case (supra)*. It is contended that promotions made solely on the basis of roster points by ignoring the merit list are unsustainable in the eyes of law.

3. *Per contra*, learned Senior Counsel for the respondents submits that after the appointment of the petitioners in the year 1999, a tentative seniority list dated 30.06.2003 was circulated and objections were invited from all concerned employees. Thereafter, the final seniority list dated 11.03.2004 (Annexure P-4) was issued. It is contended that the petitioners never filed any objection to the tentative seniority list and, subsequently, promotions were effected to the posts of Executive Engineer and Senior Executive Engineer on the basis of the finalized seniority list. It is further submitted that the petitioners approached this Court for the first time after a lapse of nearly 15 years from the circulation of the tentative seniority list by filing CWP No.26795 of 2018, wherein the tentative seniority list issued on 14.03.2018 was challenged. At no point of time prior thereto did the petitioners challenge the final seniority list dated 11.03.2004. As such, the claim raised by the petitioners is barred by gross delay and laches.

3.1 Learned Senior Counsel for the respondents further submits that



it is a settled proposition of law that seniority settled beyond a reasonable period cannot be disturbed, reliance being placed on the judgment of the Hon'ble Supreme Court in *Union of India v. Tarsem Singh, (2008) 8 SCC 648*. Further reliance is placed on *Shiba Shankar Mohapatra v. State of Orissa and others, (2010) 12 SCC 471*, wherein the Hon'ble Supreme Court has deprecated entertaining challenges to long-standing seniority at a belated stage.

4. In rebuttal, learned Senior Counsel for the petitioners submits that the respondent-Corporation cannot be permitted to adopt different yardsticks for different batches. It is pointed out that Assistant Engineers directly recruited in the year 2007 have been assigned seniority strictly on the basis of merit, and therefore, the respondent-Corporation cannot deny the same benefit to the petitioners who were recruited in the year 1999. Reliance in this regard has been placed by the learned Senior Counsel on the judgements rendered by the Hon'ble Supreme Court of India in *V. Senthur and Another vs. M.Vijaykumar, IAS, Secretary, Tamil Nadu Public Service Commission and Another 2022 (17) SCC 568*, *G.P. Doval v. The Chief Secretary Government of U.P 1984 (4) SCC 329*, *Post Graduate Institute of Medical Education and Research and another vs. Dr. Arun Kumar Jain and others 2020 (3) SCT 218* and *Manoj Parihar & Ors. vs. State of Jammu and Kashmir 2023 (14) SCC 448*.

5. I have heard learned counsel for the parties and perused the record.



6. The core issue for consideration is whether the petitioners' challenge to the seniority list of 2004, filed in 2018, is maintainable in light of the inordinate and unexplained delay.

7. A Two Judge Bench of the Hon'ble Supreme Court in *Shiba Shankar Mohapatra and others vs. State of Orissa and others (2010)12 SCC 471*, while speaking through Dr. Justice B.S Chauhan observed as under:-

*"16. The question of entertaining the petition disputing the long standing seniority filed at a belated stage is no more res integra. A Constitution Bench of this Court, in Ramchandra Shanker Deodhar & Ors. v. State of Maharashtra & Ors. AIR 1974 Supreme Court 259, considered the effect of delay in challenging the promotion and seniority list and held that any claim for seniority at a belated stage should be rejected inasmuch as it seeks to disturb the vested rights of other persons regarding seniority, rank and promotion which have accrued to them during the intervening period. A party should approach the Court just after accrual of the cause of complaint. While deciding the said case, this Court placed reliance upon its earlier judgments, particularly in *Tilokchand Motichand v. H.B. Munshi, AIR 1970 Supreme Court 898*, wherein it has been observed that the principle, on which the Court proceeds in refusing relief to the petitioner on the ground of laches or delay, is that the rights, which have accrued to others by reason of delay in filing the writ petition should not be allowed to be disturbed unless there is a reasonable explanation for delay. The Court further observed as under :-*

"A party claiming fundamental rights must move the Court before others' rights come out into existence. The action of the Courts cannot harm innocent parties if their rights emerge by reason of delay on the part of person moving the court."

17. This Court also placed reliance upon its earlier judgment of the Constitution Bench in R.N. Bose v. Union of India & Ors. AIR 1970 Supreme Court 470, wherein it has been observed as under :-

"It would be unjust to deprive the respondents of the rights which have accrued to them. Each person ought to be entitled to sit back and consider that his appointment and promotion effected a long time ago would not be defeated after the number of years."



18. In **R.S. Makashi v. I.M. Menon & Ors. AIR 1982 Supreme Court 101**, this Court considered all aspects of limitation, delay and laches in filing the writ petition in respect of inter se seniority of the employees. The Court referred to its earlier judgment in *State of Madhya Pradesh & Anr. v. Bhailal Bhai etc. etc.*, AIR 1964 Supreme Court 1006, wherein it has been observed that the maximum period fixed by the Legislature as the time within which the relief by a suit in a Civil Court must be brought, may ordinarily be taken to be a reasonable standard by which delay in seeking the remedy under Article 226 of the Constitution can be measured. The Court observed as under :-

"We must administer justice in accordance with law and principle of equity, justice and good conscience. It would be unjust to deprive the respondents of the rights which have accrued to them. Each person ought to be entitled to sit back and consider that his appointment and promotion effected a long time ago would not be set-aside after the lapse of a number of years..... The petitioners have not furnished any valid explanation whatever for the inordinate delay on their part in approaching the Court with the challenge against the seniority principles laid down in the Government Resolution of 1968... We would accordingly hold that the challenge raised by the petitioners against the seniority principles laid down in the Government Resolution of March 2, 1968 ought to have been rejected by the High Court on the ground of delay and laches and the writ petition, in so far as it related to the prayer for quashing the said Government resolution, should have been dismissed."

19. The issue of challenging the seniority list, which continued to be in existence for a long time, was again considered by this Court in **K.R. Mudgal & Ors. v. R.P. Singh & Ors. AIR 1986 Supreme Court 2086**. The Court held as under :-

"A Government servant who is appointed to any post ordinarily should at least after a period of 3-4 years of his appointment be allowed to attend to the duties attached to his post peacefully and without any sense of insecurity..... Satisfactory service conditions postulate that there shall be no sense of uncertainty amongst the Government servants created by writ petitions filed after several years as in this case. It is essential that any one who feels aggrieved by the seniority assigned to him, should approach the Court as early as possible otherwise in addition to creation of sense of insecurity in the mind of Government servants, there shall also be administrative complication and difficulties.... In these circumstances we consider that the High Court was wrong in



rejecting the preliminary objection raised on behalf of the respondents to the writ petition on the ground of laches." (Emphasis added)

21. In ***B.S. Bajwa v. State of Punjab & Ors. AIR 1999 Supreme Court 1510***, this Court while deciding the similar issue re-iterated the same view, observing as under :-

"It is well settled that in service matters, the question of seniority should not be reopened in such situations after the lapse of reasonable period because that results in disturbing the settled position which is not justifiable. There was inordinate delay in the present case for making such a grievance. This along was sufficient to decline interference under Article 226 and to reject the writ petition".

22. In ***Dayaram Asanand v. State of Maharashtra & Ors. AIR 1984 Supreme Court 850***, while re-iterating the similar view this Court held that in absence of satisfactory explanation for inordinate delay of 8-9 years in questioning under Article 226 of the Constitution, the validity of the seniority and promotion assigned to other employee could not be entertained.

29. Thus, in view of the above, the settled legal proposition that emerges is that once the seniority had been fixed and it remains in existence for a reasonable period, any challenge to the same should not be entertained. In K.R. Mudgal (supra), this Court has laid down, in crystal clear words that a seniority list which remains in existence for 3 to 4 years unchallenged, should not be disturbed. Thus, 3-4 years is a reasonable period for challenging the seniority and in case someone agitates the issue of seniority beyond this period, he has to explain the delay and laches in approaching the adjudicatory forum, by furnishing satisfactory explanation."

(emphasis added)

8. Fence-sitters, who remain passive spectators and challenge administrative actions after their conclusion, cannot be permitted to reopen issues, particularly where third-party rights have crystallised in the interregnum. It is a well-settled and fundamental principle in the exercise of extraordinary jurisdiction under Article 226 of the Constitution of India that while no rigid period of limitation is prescribed, the Courts must be vigilant



against entertaining stale or belated claims. A person who sleeps over their rights, allows a situation to crystallize, and approaches the Court only after considerable delay cannot seek relief as a matter of right. Such delay and laches constitute a valid and compelling ground for the Court to decline relief, particularly in service matters where the rights of third parties may have become vested in the interregnum. As reinforced by the Hon'ble Supreme Court in *K.R. Mudgal(supra)* and *Shiba Shankar Mohapatra(supra)*, a period of three to four years is the time-frame for challenging matters such as seniority lists. Any petition filed beyond this period must offer a cogent and satisfactory explanation for the delay. To hold otherwise would not only unsettle settled matters but also jeopardize the legitimate accrued rights of other employees, thereby undermining the stability and certainty essential to public employment. Thus, fence-sitters and those who approach the Court with inordinate and unexplained delay are barred from seeking equitable relief under Article 226.

9. In the instant case, the final seniority list under challenge was notified as far back as 11.03.2004. Despite submitting administrative representations, the petitioners chose not to pursue any legal recourse until the filing of the present writ petition in 2018, after an inordinate delay of approximately fourteen years. This period far exceeds the reasonable threshold of three to four years recognized by this Court and the Hon'ble Supreme Court as permissible for agitating such service disputes. Critically, the petitioners have failed to furnish any satisfactory or cogent explanation



for this extraordinary lapse of time, which is a mandatory requirement for maintaining a challenge beyond the stipulated period.

10. More significantly, during this protracted interregnum, the impugned seniority list has formed the basis for substantive career advancements including promotions to the higher echelons of Assistant Executive Engineer and Executive Engineer. Consequently, the rights of a significant number of employees have crystallized based on the very list now belatedly assailed. Allowing such a stale claim to be revived at this juncture would not only unsettle settled service conditions but also unjustly disturb the legitimately accrued rights of third-party promotees, thereby undermining administrative finality and the equitable principle that vigilance, not slumber, governs the pursuit of legal remedies.

11. In view of the above, the present petition is clearly barred by delay and laches and accordingly dismissed.

12. No costs.

13. Pending applications, if any, also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

February 12, 2026

P.C

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