

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

**CWP No.19487 of 2012
Date of decision: 23.07.2015**

Krishan Gopal

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. S.S.Kharb, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl.A.G. Haryana
for the State.

Mr. Ravi Verma, Advocate
for respondents No.4 and 5.

AMIT RAWAL J. (Oral)

Challenge in the present writ petition is to the order dated 22.07.1991, Annexure P-3, whereby, the trade of the petitioner was changed, w.e.f. 22.07.1991, from Carpenter to Khalashi in the pay scale of ₹ 750-940 on the ground that his work was not found to be satisfactory.

Mr. S.S.Kharb, learned counsel appearing on behalf of the petitioner submits that the petitioner acquired the knowledge of the impugned order only in the year 2011, when he requested

respondents-authorities to grant the benefit of pay scale and therefore, writ petition filed in the year 2012 is well within the period of limitation and it is not hit by *doctrine of delay and laches*.

Mr. Hitesh Pandit, learned Additional Advocate General, Haryana appearing on behalf of the State submits that as per the appointment letter, the petitioner was appointed as Carpenter on temporary basis in the pay scale of ₹ 800-1150 and thereafter, vide order dated 22.07.1991, his work as Carpenter was not found satisfactory and his trade was changed to Khalashi, in the pay scale of ₹ 750-940, with immediate effect. Challenge to the impugned order in the year 2012 is highly belated as the petitioner kept silent for almost 20 years and therefore, writ petition is liable to be dismissed.

Mr. Ravi Verma, learned counsel appearing on behalf of respondents No.4 and 5 submits that his clients have been arrayed as respondents on the allegation that respondent No.5 in collusion with respondent No.4 prevailed upon respondents-authorities in getting changed the trade of the petitioner.

I have heard learned counsel for the parties and appraised the paper book.

The submission that the petitioner acquired the knowledge of change of trade in the year 2011 is wholly misconceived, for the simple reason, that pay scale of Carpenter was ₹ 800-1150, whereas of that of Khalashi was ₹ 750-940. Thus, there was deduction in the pay scale and petitioner had acquired the

knowledge about the same in the year 1991 but did not seek redressal of his grievance, if any, at relevant point of time. There is no averment made giving an explanation with regard to delay except the bald allegation that in the year 2011, he applied for technical pay scale, acquired knowledge of impugned order. The said plea, in my view, is not tenable, much less, cannot be accepted.

In view of the aforementioned reasons, the writ petition is highly belated and hit by *doctrine akin to delay and laches* and the same is hereby dismissed.

(AMIT RAWAL)
JUDGE

July 23, 2015
savita