

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

(1) Civil Writ Petition No.21047 of 2013

Zora Singh and others

..... Petitioners

Vs.

State of Punjab and others

..... Respondents

(2) Civil Writ Petition No.23096 of 2013

Harkesh Kumar and others

..... Petitioners

Vs.

State of Punjab and another

..... Respondents

Date of Decision: 04.03.2015

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sunny Singla, Advocate for the petitioners.

JASWANT SINGH, J. (ORAL)

This order shall dispose of aforesaid two writ petitions since common questions of law and facts are involved in the same. The facts are taken from CWP No.21047 of 2013.

Petitioner No.1-Zora Singh, petitioner No.2-Tarsem Chand Jindal, petitioner No.3-Janak Raj, petitioner No.4-Om Patti Devi widow of late Ramesh Chander and petitioner No.5-Shiam Lal have filed the present writ petition seeking benefit of grant of benefit of higher pay scale of JST grade on acquiring higher qualifications on the basis of letter dated 23.07.1957 (P-2).

The factual position regarding their dates of appointments, dates of retirements and dates of acquiring higher qualifications are as under:-

Sr. No.	Name	Date of Appointment Ad hoc/Regular	Date of Retirement	Date of passed F.A./B.A. Part-1
1.	Zora Singh	24.03.1973	30.09.2005	15.05.1975
2.	Tarsem Chand Jindal	20.09.1963	30.06.2002	08.02.1966
3.	Janak Raj	08.06.1968	31.12.2005	08.11.1972
4.	Ramesh Chander	12.11.1975	01.02.1996	01.07.1970
5.	Shiam Lal	16.02.1972	31.07.2003	01.12.1971

By filing the present writ petition, they are claiming parity as granted to the other similarly situated employees, vide judgment dated 15.04.2009 (**P-7**), passed by the learned Single Judge of this Court. It is stated that LPA No.504 of 2012 and LPA No.136 of 2013 against the judgment (**P-7**) filed by the State was dismissed vide judgment dated 22.05.2014. Hence, the prayer for similar treatment.

Having heard learned Counsel for the petitioners, this Court finds that the present writ petition is totally devoid of any merits.

Firstly, it cannot be denied that the original cause of action, if at all, accrued to them in the years when they acquired higher qualifications and with the passage of 40 years, the cause of action cannot be construed to have been extended. Secondly, it could not be even considered a recurring cause of action since long time ago. The petitioners have retired during between periods 1996 till 31.12.2005 and the relation of the employees-employer having ceased, at the most the recurring cause of action could be considered till their dates of retirement and further suits could be filed within three years from the date of retirement. Concededly, the present claims are being raised much beyond the periods of the aforesaid dates and expiry of period of limitation. Thus, the present writ petitions

are squarely hit by the principles of delay and laches. There is absolutely no explanation of this inordinate delay through out.

It is also not in dispute that the Hon'ble Supreme Court has consistently held that the persons/fence sitters who do not seek their relief by approaching the Court within reasonable time, are not entitled to similar reliefs on the basis of judgments passed in favour of similarly situated employees, who had approached the Courts in time. It is also not in dispute that even the petitioners in the judgment (**P-7**) had filed a writ petition wayback in the year 1992 culminating into the judgment dated 15.04.2009 passed in **CWP No.3931 of 1992 (P-7)**.

In view of the above, the present petitions are hereby dismissed.

March 04, 2015
Gagan

(JASWANT SINGH)
JUDGE