

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

CWP No. 7729 of 2015
Date of decision: 03.11.2015

Raj Kumar and anotherPetitioner(s)

Versus

State of Punjab and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Jaideep Verma, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

In the present writ petition, the petitioners, being the legal representatives of Late Mrs. Sarla Rani, seek the benefit of the study leave and the financial allowances etc. payable in view of the judgment of this Court passed in ***CWP No. 2121 of 1995, Sukhbir Kaur and others vs. State of Punjab and others*** dated 29.05.2003.

It is not disputed that the petitioners are the husband and the son of the deceased government employee namely Mrs. Sarla Rani, who was working as Staff Nurse in the Civil Hospital at Nabha and who died on 12.07.1999. The grouse is of non-payment of the financial benefits during the period of study leave. It is not disputed that the study leave was undergone by the deceased-employee during the period from April 1982 to 1984 and during her lifetime, she had never agitated for her claim or legal rights. Merely because the said claim has been allowed to serving employees, subsequently the petitioners, who are legal representatives, would not have a cause of action to claim the said amount which was a one time amount and is not a recurring cause which would give them a fresh cause of action.

In such circumstances, the present writ petition is not maintainable at their instance for the said relief and also on the ground of delay and laches also as the amount became due in 1984.

Accordingly, the present writ petition is dismissed in limine.

03.11.2015
shivani

(G.S. SANDHAWALIA)
JUDGE