

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

LPA No.1122 of 2015 (O&M)

Date of Decision:-18.09.2015

Mahender Singh

.....Appellant

Versus

State of Haryana and others

.....Respondents

**CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN**

Present: None for the appellant.

SATISH KUMAR MITTAL, J.(Oral)

This intra-court appeal has been filed under Clause X of the Letters Patent against the order dated 16.12.2014 passed by the learned Single Judge, whereby the writ petition (C.W.P. No.2196 of 2012) filed by the appellant was dismissed on the ground of delay of laches.

The case has been called out twice, but no one has put in appearance on behalf of the appellant.

After going through the impugned order, we do not find any ground to interfere in the instant appeal. In the writ petition, the appellant had challenged the order dated 3.1.2008 (Annexure P4) vide which some excess payment made to him was ordered to be recovered as well as the order dated 08.04.1999 (Annexure P3) whereby pay-scale of the appellant was reduced. In the writ petition, the appellant had also prayed for issuing direction to the respondents to refund the excess amount recovered from his

retiral benefits. The learned Single Judge has dismissed the writ petition on the ground of delay and laches. The said order has been challenged in the present appeal.

The factual position with regard to reducing the pay scale of the appellant in the year 1999 and passing of the order of recovery of the excess amount in the year 2008 has not been disputed in the appeal. In view of that undisputed factual position, once the recovery has already been effected from the appellant, we do not find any ground to interfere in the impugned order at a belated stage. At this juncture no order can be passed directing the respondents to refund the excess amount which was recovered from the appellant in the year 2008 on the basis of the order passed in the year 1999 reducing the pay-scale of the appellant. Thus, in our opinion, the learned Single Judge has rightly dismissed the writ petition filed by the appellant on the ground of delay and laches.

No merits. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

September 18, 2015
vkg

(MAHAVIR S. CHAUHAN)
JUDGE