

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

LPA No.1692 of 2014(O&M)

Date of decision:3.12.2015

Shiv Kumar Gupta

....Appellant

VERSUS

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. R.K. Agnihotri, Advocate for the appellant.

Mr. Vivek Saini, Assistant A.G. Haryana.

HEMANT GUPTA, J.(Oral)

The present Letters Patent Appeal under Clause X of the Letters Patent is directed against an order passed by learned Single Bench of this Court on 25.08.2014 whereby the writ petition was dismissed on account of delay and laches.

The claim of the petitioner is for Higher Standard Grade/Revised Functional Scale w.e.f. 12.11.1988 till the date of his retirement i.e. 31.08.1999. The claim of the petitioner was declined on 09.10.2002 vide order (Annexure P-2). However, the appellant disputed the said order in a writ petition filed in the year 2014 i.e. after more than 12 years. The writ petition filed by the petitioner stands dismissed on account of delay and laches.

The argument of the petitioner is that similar benefit has been granted to other employees vide order dated 15.03.2012 (Annexure P-5).

Therefore, the appellant is entitled to the same benefits as has been granted to the other similarly situated employees.

However, the perusal of the said order shows that the said writ petitions were filed in the year 2002-03 i.e. soon after the cause of action arose to the writ petitioners. On the other hand, the petitioner slept over his rights for almost 12 years. Therefore, such inaction of the appellant disentitles him to claim the relief on account of delay and laches in approaching the equitable jurisdiction of this Court.

In view of the above, we do not find any merit in the present Letters Patent Appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

DECEMBER 3, 2015
‘D. Gulati’

(RAJ RAHUL GARG)
JUDGE