

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

LPA No.806 of 2014(O&M)
Date of decision: May 25, 2015

Gurdeep Kaur -----Appellant

Versus

State of Punjab and others ---- Respondents

**CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL
HON'BLE MR.JUSTICE HARNDER SINGH SIDHU**

Present:- Mr.Arun Gosain, Advocate
for the appellant.

Mr. Gurinder Pal Singh, Additional
Advocate General, Punjab.

HARINDER SINGH SIDHU, J.

This intra-Court appeal under Clause X of the Letters Patent has been filed against the judgment dated 05.02.2014, whereby, the petition (CWP No.2092 of 2014) filed by the petitioner seeking direction to the respondents to refix her pay w.e.f. 01.11.1971 instead of 16.07.1975, has been dismissed.

The appellant joined as Teacher in the State of Punjab on 16.02.1972 and has retired as such on attaining the age of superannuation on 31.10.2006.

By filing the writ petition, the appellant sought re-fixation of her pay w.e.f. 01.11.1971 instead of 16.07.1975. Reliance was placed on a decision of this court in **CWP No.2208 of 1989** titled

'Leh Raj Khera & ors Vs. State of Punjab and ors', which has

been decided on 24.03.1989 and similarly situated persons had been granted relief by holding as under:-

“In view of the above legal and factual position, this petition succeeds partially. Respondents are directed to extend the benefit of the pay revision in case of petitioners w.e.f. 01.11.1971 instead of 16.07.1975. They are further directed to fix the pay scale of such of the petitioners whose un-revised pay falls between two stages in the new time scale in the revised scale in the next state. The process of fixation of pay be completed within a period of four months from the date of certified copy of this order is served upon the competent authority. The consequential benefit be released in favour of the petitioners within a period of two months thereafter.”

It was contended that the appellant is entitled to the same benefit as extended to the petitioners in the said case.

The Ld. Single Judge dismissed the petition on the ground of delay and laches. It was held that the appellant was seeking re-fixation of her pay w.e.f., 1.11.1971 after more than 35 years and that too eight years after her retirement. It was held that the issue could not be permitted to be raised eight years after retirement as it does not remain a continuing cause of action.

Having heard Ld. Counsel for the parties, we do not find merit in the present appeal.

The petitioners in **Lekh Raj Khera's case** (which has been relied upon by the appellant) had knocked the doors of the Court in the year 1989 though the case came to be decided in the year 2009. The appellant, on the other hand, remained silent all

through her service career and for about eight years after her retirement in 2006. It was only in 2014 that she filed the writ petition raising a grievance to refix her salary w.e.f. 1.11.1971, which has been rightly dismissed by the Ld. Single Judge on the ground of delay and laches vide the impugned judgment.

Accordingly, there is no merit in the appeal and the same is dismissed.

(SATISH KUMAR MITTAL) (HARINDER SINGH SIDHU)
JUDGE JUDGE

May 25, 2015

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