

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15976 of 1999
Date of decision: 26.9.2016

Smt. Santosh Jakhar & ors.

... Petitioners

Versus

The State of Haryana & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sudhir Hooda, Advocate,
for the petitioners.

Ms. Shruti Jain Goyal, AAG, Haryana.

RAJIV NARAIN RAINA, J.(Oral)

The petitioners approached this Court in 1999 through the present petition for payment of salary for the vacation period. They are teachers, who claim salary for the vacation period. Their date of ad hoc appointment and date of regularization are tabled in Annex P-1, which pertains to their service profile. The earliest one was appointed on January 16, 1974 on ad hoc basis while the last one was regularized on January 1, 1980. They have claimed *inter alia* similar relief as was granted in CWP No.4711 of 1993, Santosh Anand & ors. v. The State of Haryana & ors. decided by the Division Bench of this Court on January 3, 1995. In that case, the claim was for release of salary of the summer vacations for different periods falling between 1971 to 1986. Though this Court recorded in the order that benefit of salary for the summer vacations was consistently being granted by this Court to similarly situated persons irrespective of the fact whether they have approached the Court belatedly or at an early stage, but assuming that there were in nature general directions to the

administrator by specific orders to pay the money, even then the present petition was brought belatedly in 1999, that is, four years after the date of the decision delivered in *Santosh Anand's* case and after many years passing after the accrual of the cause of action. Ordinarily in service jurisprudence similar relief should be granted to similarly-placed persons. However, there are exceptions to the rule as pointed out in **State of U.P. v. Arvind Kumar Srivastava**, (2015) 1 SCC 347, the Supreme Court holding that where stale and dead claims are not meant to be revived by Court orders for the lethargic fence-sitters. Besides, the claim is for money and represents in quintessence a simple money suit. In money suits, there are limitations prescribed by Limitation Act, 1963 to bring actions within three years where debt is not acknowledged by the defendant. Those limitations have apparently run out long ago leaving no option to turn down revival in the year 1999 when the petition was filed or today at the final hearing. Mere admission of the case will not extend the limitation unless the admitting Bench specifically said so. The question of limitation is still at large and neither equity nor mercy can be of avail to resurrect a lost cause or continue the right to sue.

In **State of Madhya Pradesh v. Bhailal Bhai**, AIR 1964 SC 1006, the Supreme Court has guided the High Courts to desist in interfering in cases where the limitation prescribed for bringing suits as against the cause of action having expired, then it would be prudent for the writ Court not to interfere where suit is barred, if brought, and for this reason, I find it difficult to grant relief to the petitioners in terms of the order passed by the Division Bench in *Santosh Anand's* case.

For these reasons, I am constrained to commend the dismissal

of the petition.

Accordingly, it is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

26.09.2016
monika

Whether speaking/reasoned *Yes*

Whether reportable *No*