

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.16928 of 2016

Date of Decision:-22.08.2016

Bibi Rani.

.....Petitioner.

Versus

The State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Sunny Singla, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Petitioner stands retired on reaching the age of superannuation w.e.f. 31.12.2006 in the rank of Domestic Science Teacher with the Director of Public Instructions (Secondary Education), Punjab. She had joined the department in the same rank on 01.10.1980 and was ordered to be promoted as SS Mistress in the year 2000, which promotion the petitioner had foregone due to her domestic circumstances.

It is a conceded position that the petitioner was awarded higher pay scales under the Assured Career Progression Scheme on completion of 08 and 16 years of service. Since she had voluntarily not availed the promotion in the year 2000, it transpires that she was not granted the benefit of proficiency step up admissible on completion of 24 years of service.

Thus the claim now is for grant of such a proficiency step up scale on completion of 24 years of service w.e.f. 01.10.2004 in terms of the Policy

(P-2).

This Court in various judgments had held that the denial of the proficiency step up benefit on account of non availing of promotion by a serving employee cannot be a valid ground for denying the benefit of the said proficiency step up in terms of the policy dated 25.09.1998 (P-2). Hence the benefit being a recurring cause of action, the petitioner would still be entitled to such a relief.

After hearing learned Counsel for the petitioner, this Court is not inclined to interfere in the matter. It would have been a recurring cause of action during the service period of the petitioner as held in the cited case law. Petitioner stands retired w.e.f. 01.01.2007 and the relationship of the employer and employee having been terminated except operating for the limited purpose of entitlement of pension. The limitation atleast would start running conclusively from the date of retirement. Even a suit now after 9-1/2 years for such a relief would not be maintainable. Hence the petition suffers from delay and laches.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

August 22, 2016
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes / No</i>
<i>Whether Reportable</i>	<i>Yes / No</i>