

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 19280 of 2016 (O/M)
Date of decision : 26.9.2016

Ram Narain Khera and another Petitioner (s)

Versus

State of Haryana and others Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. P.K. Shachdev, Advocate, for the petitioners.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

The petitioners have challenged the impugned orders dated 23.4.2010 (Annexures-P-1 and P-2), passed by respondents, whereby while stepping their pay equal to the junior, namely, Ram Pal (since retired as Superintendent), belonging to the reserve category, the pay of the petitioners is stated to have been wrongly fixed. The petitioners claim that since the pay of Ram Pal (since retired as Superintendent) was more than their pay and, therefore, their pay should have been re-fixed. The learned counsel for the petitioner states that the petitioners came to know about actual pay of Ram Pal (since retired as Superintendent) when they came to know about order dated 16.9.2015 (Annexure-P-5), passed by respondents regarding the pay of Lachhman Singh, Junior Auditor (Retired).

Heard.

I am of the view that the orders (Annexure-P-1 and Annexure-P-2) were passed on 23.4.2010. If the petitioners were aggrieved that their pay has been wrongly fixed and actually should have been fixed equal to the

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pay drawn by their junior Ram Pal (since retired as Superintendent), belonging to reserve category, they should have approached this Court within a reasonable time. Now, after more than six years, they cannot say that infact Ram Pal (since retired as Superintendent) junior to them was getting more pay and their pay was less. Since the petitioners have not approached this Court within a reasonable time, therefore, the present writ petition is barred by delay and latches.

The learned counsel for the petitioners has further contended that it is continuous cause of action.

However, I am of the view that since the stepping up of pay is depending upon the fact whether the order of fixation is set aside or not, therefore, it cannot be said that it is continuous cause of action as it necessitates the setting aside of abovesaid orders dated 23.4.2010. The present writ petition is accordingly dismissed.

(KULDIP SINGH)
JUDGE

26.9.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No