

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP No. 21150 of 2014

Date of Decision: 03.11.2016

**NACHHATAR SINGH**

**... Petitioner**

VS.

**STATE OF PUNJAB AND OTHERS**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Inderjit Sharma, Advocate,  
for the petitioner.

Mr. Rajat Bansal, AAG, Punjab.

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**KULDIP SINGH, J. (Oral)**

The petitioner joined the services with the respondent department as Driver on ad hoc basis in the year 1977 and was made work charged on 01.03.1981. Later on, his services were regularized on 07.06.1993. The petitioner retired from service on 30.06.2001. This petition was filed in the year 2014 claiming the revised pension of the petitioner by granting the benefit of 18 years of proficiency step up and further by calculating the service rendered by the petitioner during the emergency period in the Military.

It comes out that the benefit of military service rendered by the petitioner during the emergency period has already been granted. The only dispute surviving for consideration is regarding grant of benefit of 18 years proficiency step up.

The State in the reply has taken the stand that the services on ad hoc basis/work charge basis/daily wage basis cannot be considered to be the Service qualifying for the purpose of proficiency step-up in view of the

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instructions dated 01.09.1989 of the Government (*Annexure R-1*). The respondents have also relied upon letter dated 16.04.1996 (*Annexure R-3*) vide which the benefit of proficiency step-up was denied to him in view of the instructions issued by the Government.

I have heard learned counsel for both the parties and carefully gone through the contents of the file.

I am of the view that the order of denying the proficiency step-up passed on 16.04.1996 and the petitioner retired from service on 30.06.2001. This present petition was filed after 13 years of the retirement of the petitioner and 18 years of the passing of the impugned order, which is patently barred by delay and latches.

Learned counsel for the petitioner has argued that in order of fixation of pay was passed on 04.04.2008 (*Annexure R-2*), however, this order is not in dispute. The petitioner claims that after considering his services on *ad hoc* basis and works charge basis, he should be granted ACP on completion of 18 years of Service. The claim of the Military Service was a separate claim. Since, petitioner has approached this Court with a great delay and latches. Therefore, the present writ petition is dismissed.

November 3, 2016  
Suresh Kumar

[ KULDIP SINGH]  
JUDGE

*Whether speaking / reasoned*

✓  
*Yes / No*

*Whether Reportable*

✓  
*Yes / No*