

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 20708 of 2016 (O/M)
Date of decision : 4.11.2016

Birbal Petitioner (s)

Versus

Punjab State Power Corpn. Ltd. and others Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S.S. Rana, Advocate, for the petitioner.

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 petitioner claims that he was appointed on work charge basis on the post of T-Mate, then was promoted as Fitter Supervisor and then Chargeman and was discharged from service on 30.9.1968. He was again appointed to the post of T-Mate on work charge basis in the pay scale of Rs. 75-90 with usual allowances with effect from 4.5.1973. The petitioner retired from service as Assistant Lineman on 31.1.2002. The claim of the petitioner is that his pay at the time of his discharge from service on 30.9.1968 should have been protected at the time of his appointment on 4.5.1973.

I am of the view that when the petitioner again joined on the post of T-Mate on work charge basis and he was allegedly given lesser pay than the previous pay, he should have made the claim at that time. He did not make any claim from 4.5.1973 till his retirement i.e. 31.1.2002. Thereafter, the petitioner had approached this Court by way of filing CWP

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No. 19157 of 2013 (decided on 1.5.2014), claiming the counting of the work charge service towards qualifying service for pension and pensionary benefits and even in the said writ petition, no claim was made regarding protection of the pay and prior work charge service. The present writ petition is barred by delay and latches. The petitioner also cannot be allowed to split up his claim making one claim in one writ petition and another claim in another writ petition. Therefore, the present writ petition is dismissed.

(KULDIP SINGH)
JUDGE

4.11.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No