IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-6824-2012 (O&M)
Date of decision: 14.12.2016

VIJAY KUMAR

…..Petitioner

versus

PUNJAB STATE POWER CORPORATION LTD. AND ORS.

……Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.D.K.Gupta, Advocate for the petitioner
Mr.Bhupesh Dogra, Advocate for
Mr.Amit Aggarwal, Advocate for respondent nos.1 to 4

1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Kuldip Singh, J. (Oral)

Petitioner was promoted as Upper Division Clerk in Punjab State Power Corporation Limited. However, he had foregone the promotion for next three years. It is stated that on account of foregoing the promotion, a deduction of Rs.25,327/- was made from the salary of the petitioner every month and when he retired from service on 31.3.2007, a sum of Rs.65,159/- was deducted from his leave encashment. In this way, total sum of Rs.90,486/- has been deducted between the years 2005 and 2007 on account of the fact that the petitioner has foregone his promotion. The present writ petition was filed in the year 2012.

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

I am of the view that even illegal order has to be challenged within limitation. When the deductions were made in the year 2005, the order was not challenged. Order of deduction passed somewhere in the year 2005, was never challenged. Even deduction made from the leave encashment on the retirement of the petitioner on 31.3.2007 was also not challenged. Now there is a huge delay between 5 to 7 years in challenging the said order. Therefore, on account of inordinate delay and latches, this Court does not feel proper to exercise the writ jurisdiction to grant any relief.

Resultantly, the present writ petition stands dismissed.

14.12.2016 **(Kuldip Singh)**
gk **Judge**

Whether speaking/ reasoned: Yes
Whether Reportable: No