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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 24355 of 2016 (O/M)
Date of decision : 28.11.2016

Shavinder Pal Singh

..... Petitioner (s)

Versus

State of Punjab and others

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vishal Sharma-II, 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 was working as an Inspector Cooperative Societies with respondent No. 2. He retired from service on 28.2.2007 on attaining the age of superannuation. The claim of the petitioner is that the benefit of Assured Career Progression Scheme (in short 'ACP Scheme') on completion of 9/14 years of service was not granted to him.

From the perusal of the present writ petition, it comes out that respondent had passed the order on 27.2.2006 (Annexure-P-5), whereby benefit of ACP scheme on completion of 8 years of service was declined in view of the fact that he does not fulfill the required criteria of character rolls as per Government instructions dated 10.1.2000. The said order was never challenged by the petitioner during his service. Now, after 10 years of the passing of the said order, the petitioner has filed the present writ petition, stating that he should have been granted the benefit of ACP scheme. The learned counsel for the petitioner also relies upon the authority of the

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Hon'ble Supreme Court in M.R. Gupta Versus Union of India and others, 1996 (1) SCT 8 to claim that the payment of correct salary is recurring cause of action. However, it is not a case of fixation of salary. It is a case where an office order was passed that he is not entitled to the benefit of ACP scheme as he does not fulfill the requisite criteria. That order was required to be challenged within limitation. Since the said order was not challenged after ten years of the passing of the same and now, nine years have passed after the retirement of the petitioner, the present writ petition is badly barred by delay and laches. The same is accordingly dismissed.

(KULDIP SINGH)
JUDGE

28.11.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No