

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 4180 of 2016
Date of decision: 17.03.2016

Mohinder KaurPetitioner(s)

Versus

State of Punjab and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. N.L. Sammi, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner challenges the order dated 26.05.2003 (Annexure P-1) passed by the Executive Engineer whereby, there was re-fixation and reduction of the pay of the husband of the petitioner.

A perusal of the order would go on to show that it was on account of the decision of a Committee appointed whereby the benefits granted under Chapter 26 of the 3rd Pay Commission under Para No. 26.6 and implemented by the Chief Engineer dated 14.05.1996 had been withdrawn. The said controversy was subject matter of challenge before a Division Bench of this Court in CWP No. 1067 of 2003, Thein Dam Workers Union (Regd.) Shahpurkandi vs. State of Punjab and others, decided on 27.03.2009, which order was further upheld by the Apex Court on 04.09.2009. The issue has already been decided against the workman by holding that the benefit was not permissible and had been rightly withdrawn. The present petition which has been filed 13 years later by the legal heirs of the workman is thus not maintainable at this point of time. Even otherwise on the ground of limitation, the workman had accepted the said decision and never objected to the same. Resultantly, the present writ petition is dismissed in view of the above facts.

17.03.2016
shivani

(G.S. SANDHAWALIA)
JUDGE