

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 4676 of 2016
Date of Decision : 16.05.2016.

Jaswant Singh Sekhon

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

- 1) *Whether Reporters of the local papers 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?*

Present: Mr. Balwinder Singh, Advocate for the petitioner.

P.B. Bajanthri, J.(Oral)

In the instant writ petition, the petitioner has prayed for directions to the respondents to grant service pension on pro-rata basis from the date of his release i.e. 03.02.1977 as the petitioner had served in the Army as an Emergency Commissioned Officer and thereafter as a substantive Captain in N.C.C. for more than 12½ years excluding a period of 7 months of pre-commissioning training. He has also prayed for arrears of retiral benefits w.e.f. 03.02.1977.

Brief facts of the case are that the petitioner is stated to have joined defence services on 26.01.1964. He was discharged on 01.08.1968. Thereafter he joined N.C.C. as a Lieutenant on 03.02.1969. His services in N.C.C. was approved up to 02.02.1977. Such approval was communicated to the petitioner and he was displaced from N.C.C. on 02.02.1977. The petitioner did not question Annexure P-7 vide which he has been displaced contrary to

the provision of law which permits till 55 years of age extendable by two years up to the age of 57 years.

Now the prayer is for speculative relief in the present petition.

Learned counsel for the petitioner submitted that the petitioner had approached respondents by making representations from time to time but the same has not been considered by the competent authority.

The petitioner had cause of action in the month of February 1977, the date on which he was allowed to work in N.C.C. till 02.02.1977. The petitioner slept over the matter till 2016. By not considering the petitioner's representations, no law prohibits to approach this Court within reasonable period of three years. If three years is taken into consideration, the petitioner should have approached this Court in the year 1980. The petition is hopelessly barred by time and laches on the part of the petitioner.

The petition is dismissed with costs of ₹5,000/- to be deposited in the High Court Lawyers' Welfare Fund, Chandigarh.

May 16, 2016.
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(P.B. BAJANTHRI)
JUDGE