

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

CWP No. 7804 of 2016

Date of decision: 28.4.2016

Nirmal Mehta

... Petitioner

Versus

State of Punjab & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Jaideep Verma, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. In this petition claim is made for payment of salary representing the period of study leave from 1982 to 1985 even though the petitioner did not proceed for study leave and claims it because it was given to others during the 80s. This petition has been filed in the year 2016 claiming the monetary value of study leave not availed 40 years ago. The claim is stale and dead. The claim based on past judicial precedents and on the ground that similarly placed persons have been granted relief is wholly misplaced. The petitioner has been making repeated representations which do not create a fresh cause of action. In any case, the petitioner would be taken as a fence-sitter whose claim has to be dismissed in view of law laid down by the Supreme Court in **State of Uttar Pradesh & ors. v. Arvind Kumar Srivastava & ors.**, 2015(1) SCC 347. Directions in para. 23(2) of the judgment are against the petitioner. The same reads as follows:-

“23(2). However, this principle is subject to well recognized exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the Court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.”

2. Neither is merit found in the petition nor reason to by pass the vice of inordinate delay and laches. Petition is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

28.4.2016
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