

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.2054 of 2016 (O&M)

Date of Decision: October 18, 2016

Chamba Ram

.....Appellant

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Vipen Dhingra, Advocate, for the appellant.

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1. Whether Reporters of 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?

Surya Kant, J. (Oral)

This letters patent appeal challenges the order dated 12.08.2016 whereby learned Single Judge has dismissed the appellant's writ petition on the ground of delay and laches.

The appellant joined the Education Department as JBT Teacher on 09.05.1975. He retired on attaining the age of superannuation in the year 2006. After 10 years of retirement, he filed the writ petition in the year 2016 claiming higher grade of Rs.110-250 from the date of his initial appointment on the strength of Instructions dated 23.07.1957 issued by erstwhile State of Punjab.

Learned Single Judge has declined to accept the plea of 'continuous cause of action' and has dismissed the writ petition.

No exception can be taken to the view formed by learned

Single Judge. The appellant is not a person suffering from any financial or

physical disability which could deprive him to seek such claim in a long spell of 31 years. There is yet another reason that we are not inclined to interfere with the order under appeal. The Government Instructions dated 23.07.1957, relied upon by the appellant, were superseded by the State of Punjab vide memo dated 19.02.1979 and interpreting those later instructions, a Division Bench of this Court in LPA No.374 of 1994 (The State of Punjab and others versus Joga Singh and others), decided on 20.02.1996 [1997(8) SLR 706], held that the claim for grant of higher/revised pay-scale/additional increments on the strength of 1957 Instructions was untenable. Such a view has been taken by one of us (Surya Kant, J.) also in CWP No.4600 of 1988, decided on 07.08.2008.

For the reasons afore-stated, we do not find any merit in this appeal.

Dismissed.

[SURYA KANT]
JUDGE

October 18, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No

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CM No.4240 of 2016 in
LPA No.2054 of 2016

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Chamba Ram versus State of Punjab and another

Present : Mr.Vipen Dhingra, Advocate,
for the applicant-appellant.

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For the reasons mentioned in the application, the same is
allowed subject to all just exceptions and 04 days' delay in filing the appeal
is condoned.

CM stands disposed of.

(SURYA KANT)
JUDGE

October 18, 2016
mohinder

(SUDIP AHLUWALIA)
JUDGE