

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 10809 of 2017 (O/M)

Date of decision : 18.5.2017

Harbhagwan Chawla

..... Petitioner (s)

Versus

Haryana Vidyut Parsaran Nigam Limited and another Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Angel Sharma, 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 retired from service in the year 1993. It comes out that he had filed a Civil Writ Petition No. 2949 of 2013 before this Court, claiming to step up and fix his pay from the deemed date of promotion in the respective cadre. The petitioner claims the benefit of judgment passed by this Court in Ajit Singh Janjua and others Versus State of Punjab and others, reported as JT 1999 (7) SC 153.

This Court, vide order dated 19.8.2013, passed in CWP-12204-2011, titled as R.C. Dahiya and others Versus Uttari Haryana Bijli Nigam Limited and others, directed respondents to consider the claim of the petitioners and pass a speaking order. Accordingly, the speaking order was passed on 1.10.2013 (Annexure-P-9), stating that the petitioners never caught up with his juniors of reserved category. Therefore, his claim was rejected. It appears that thereafter the petitioner again filed a representation, which was again rejected on the same ground on 8.3.2017 (Annexure-P-10).

CWP No. 10809 of 2017 (O/M)

I am of the view that the present writ petition is barred by delay and laches. In pursuance to the order passed by this Court on 19.8.2013 in R.C. Dahiya's case (supra), the claim of the petitioner was rejected for the first time on 1.10.2013 (Annexure-P-9). The repeated representation on the same ground will not give new cause of action. When the claim of the petitioner was rejected for the first time by passing a speaking order dated 1.10.2013, he should have approached this Court within reasonable time. Since the petitioner did not approach this Court after 1.10.2013 and in order to avoid the bar of limitation, he filed fresh representation, which was dismissed on the same ground, therefore, the present writ petition is barred by delay and laches and is accordingly dismissed.

(KULDIP SINGH)
JUDGE

18.5.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No