

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

CWP No. 19058 of 2014 (O&M)

Date of Decision: 01.05.2017

Sada Nand

... Petitioner

V/s.

Punjab State Power Corporation Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Jasleen Singh Jaidka, Advocate,
for the petitioner.

Mr. R.L. Sharma, Advocate,
for the respondents.

KULDIP SINGH, J. (Oral)

The petitioner has invoked the writ jurisdiction under Article 226/227 of the Constitution of India for issuance of writ in the nature of mandamus directing the respondents to correct the date of annual increment of the petitioner since the year 1996 onwards which has arbitrarily changed to 1st November of every year instead of 1st of January of every year and for releasing the dues accrued to the petitioner.

Brief facts of this case are that the petitioner retired on 30.09.2007 from the respondent-Corporation as Circle Head Draftsman. It comes out that vide order dated 21.03.1997 (*Annexure R-1*), he was granted 23 years promotional increments w.e.f. 07.11.1995 in the shape of advance increments which are to be adjusted in the next regular promotion. Under this order, two increments were ordered to be given. First increment was given w.e.f. 07.11.1995 and second on 01.01.1996. Since, the first increment was given on 07.11.1995, therefore, the date of increment was changed from 01.01.1996 to 01.11.1996 vide order dated 21.03.1997. Thereafter, the

CWP No. 19058 of 2014 (O&M)

petitioner continued to draw the changed date of increment till his retirement i.e. on 30.09.2007. Now, after seven years of retirement in the year 2014 petitioner has filed the present writ petition challenging the change of date of his increment.

I have heard the learned counsel for both the parties and have carefully gone through the case file.

I am of the view that the department has the reason to change the date of increment of the petitioner as his first promotional increment was given w.e.f. 07.11.1995. The order dated 21.03.1997 was never challenged by the petitioner in 12 years i.e. during his service till retirement. The petitioner have challenged the order dated 21.03.1997 only after 7 years of his retirement. Therefore, there is huge delay and latches in challenging the said order.

Keeping in view the fact that the order is not being challenged within reasonable period of time, therefore, the petition stands dismissed for delay and latches.

May 1, 2017

Suresh Kumar

(KULDIP SINGH)
JUDGE

<i>Whether speaking / reasoned</i>	:	☒	<i>Yes</i>	/	☐	<i>No</i>
<i>Whether Reportable</i>	:	☐	<i>Yes</i>	/	☒	<i>No</i>