

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

CWP No. 1580 of 2017
Date of Decision: 31.01.2017

Dr. A.S. AHLAWAT

... Petitioner

VS.

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Ramesh Goyat, Advocate,
for the petitioner.

KULDIP SINGH, J. (Oral)

The petitioner who was an ex-serviceman, joined the Civil Services in the respondent department as Senior Medical Officer on ad hoc basis and retired from service on 30.05.2010. During his service, the petitioner filed a CWP No. 20347 of 2005 for grant of benefit of military service rendered by him. The said writ petition was disposed of by this Court vide order dated 25.08.2011 in terms of judgments passed by this Court in **CWP No. 16045 of 1996 titled as “Dr. (Major) V.V. Prashar Vs. State of Haryana & others”** and in **CWP No.3972 of 1999 titled as “Vandana Lor Vs. Union of India & others”**. Accordingly, the respondents passed the order dated 08.12.2011 whereby the benefit of military service rendered w.e.f. 02.01.1977 to 30.03.1982 towards advance increments and pension subject to the condition that the petitioner will have to refund gratuity received by him from the military authorities alongwith interest calculated at the rate applicable on GPF accumulated from time to time computed in the same manner i.e. with annual compounding for the period from the date of receipt

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of pension/gratuity till the date of refund to the Government as per provisions contained in second provision to the Rule 4.3 (a) of CSR, Vol. II.

According to the learned counsel for the petitioner, thereafter the petitioner has filed a representation Annexure P-8 which is undated, referring the letter No. 31/23/2005-5-5HB-I dated 13/14.12.2011, stating that this case is similar to that of *Dr. (Major) V.V. Prashar's case (Supra)* wherein the petitioner has paid interest on gratuity w.e.f. 03.12.2004. The authorities were requested to issue appropriate orders so that he can deposit the interest on the gratuity. At the same time, he also requested for payment of arrears of pay alongwith interest calculated at the rate applicable on GPF. The said letter was filed on 09.08.2014 stating that the benefit of military service and pension thereof has already been granted to the petitioner.

Learned counsel for the petitioner has contended that this Court in case of *Dr. (Major) V.V. Prashar's case (Supra)* vide order dated 14.05.2012 passed in COCP No. 784 of 2012, has clarified regarding the date from which the interest is payable.

I am of the view that the present petition is badly barred by delay and latches. The order to pay interest at the rate applicable on GPF alongwith annual compounding for the period from the date of receipt of pension/gratuity benefit till the date of refund to the Government was passed on 08.12.2011 and communicated vide endorsement dated 13/14.12.2011. The petitioner was required to challenge the said order within limitation. However, he did not deposit the gratuity received from the military authorities alongwith interest. However, he filed the representation and

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waited till January 2017 to challenge that order. The petitioner neither deposited the gratuity nor the interest at any rate.

Therefore, in view of the delay and laches, this Court is not inclined to intervene in the impugned order dated 13.12.2011 (Annexure P-4). It being so, the present petition, stands dismissed.

January 31, 2017
Suresh Kumar

(KULDIP SINGH)
JUDGE

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