

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.19460 of 2017 (O&M)

Date of Decision: 30.08.2017

Satish Kumar

--Petitioner

Versus

State of Punjab and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Vishal Aggarwal, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The petitioner, who is stated to be serving on the post of A.L.M under the Punjab State Power Corporation Ltd., has filed the instant petition raising a three fold claim i.e. (i) a Writ of Mandamus is sought directing the respondent-Corporation/competent authority to regularize the services of the petitioner on the post of A.L.M w.e.f. 1993 in terms of circular dated 2.11.1993 (Annexure P-5), (ii) for grant of consequential promotional scales upon completion of 9, 16, 23 years of service as per applicable A.C.P policy by taking the date of regularization on the post of A.L.M from the year 1993. (iii) directions are further sought for effecting the necessary corrections in the salary of the petitioner taking into account the fact that the pay of the petitioner was protected at Rs.4,000/- in the year 2001 itself when the petitioner while working as M Mate on work charge basis had been regularized against the post of A.L.M.

Counsel for the petitioner has been heard at length.

In the considered view of this Court the reliefs sought for and noticed at (i) and (ii) herein above are highly belated.

The admitted position of fact is that the petitioner was regularized in service as regular A.L.M on 24.4.2001. The petitioner was well aware of his regularization w.e.f. such date. For a period in excess of 15 years, petitioner never raised any claim and did not agitate the issue for grant of benefit of ante dated regularization w.e.f. the year 1993 under the circular dated 2.11.1993 (Annexure P-5). The sole justification being put forth by the counsel during the course of arguments is that the petitioner became aware of the policy/circular dated 2.11.1993 only recently. Such justification cannot be accepted to overcome the inordinate delay of more than 15 years in agitating an issue and to raise a prayer for ante dated regularization. Acceptance of the prayer of the petitioner to be regularized w.e.f the year 1993 instead of 24.4.2001 and that also in a writ petition preferred in the year 2017 would virtually amount to unsettling settled matters.

The prayers noticed herein above at (i) is, thus, denied on the ground of delay and laches itself. Having taken such a view, the prayer of the petitioner for grant of promotional scales on completion of 9, 16 and 23 years of service by taking his date of regularization on the post of A.L.M from the year 1993 would also fail.

In so far as the third relief sought i.e. for making correction in the salary of the petitioner, counsel has adverted to a document placed on record at Annexure P-2 issued by the Chief Executive Engineer, P.S.E.B Division, Ajnala and which would reflect that in the year 2001 when the petitioner was promoted and regularized by a composite order on the post of A.L.M, the basic pay for such post was Rs.3480/- which was less than the pay that was already being drawn by him while working as an M Mate on

work charge basis. As per Annexure P-2 the pay of the petitioner was protected at Rs.4,000/- instead of Rs.3480/- w.e.f. 24.4.2001 and his actual date of promotion was considered as 1.4.2002. Counsel submits that the benefit of such protection would translate into a cascading effect and would enure to the petitioner at every subsequent stage of revision and which benefit had been denied to him.

Without making any observations on merits even as regards such claim, the relief sought at (iii) herein above is kept open and liberty is granted to the petitioner to avail of his remedies in such regard in accordance with law.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

30.08.2017

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