

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

CWP No. 3869 of 2017

Date of Decision: 28.02.2017

MADAN MOHAN SHARMA

... Petitioner

V/s.

UNION OF INDIA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Namit Gautam, Advocate,
for the petitioner.

KULDIP SINGH, J. (Oral)

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India praying for issuance of writ in the nature of certiorari/mandamus for setting aside the impugned order/letter dated 24.08.2015 (*Annexure P-14*) vide which the claim of the pension has been declined by the Panjab University, Chandigarh.

Brief facts of this case are that the petitioner was working as Clerk in the Panjab University, Chandigarh since 1955. On the Constitution of Punjab School Education Board (PSEB), under the Punjab School Education Board, Act 1969, the petitioner was allocated to PSEB provisionally on 18.11.1969 and he joined there on provisional basis as a Clerk. Subsequently in PSEB, the petitioner was promoted to the post of Superintendent and thereafter to the post of Assistant Secretary and he retired as such on 31.05.1988.

According to the petitioner, Panjab University, Chandigarh has formulated a pension scheme in the year 2006 effective from 24.10.2005 and petitioner had filed a writ petition bearing CWP No. 12891 of 2008 against the PSEB, claiming the benefit of the pension. The said petition was dismissed as

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withdrawn vide order dated 24.08.2009 (*Annexure P-5*) with liberty to claim pension from the authorities of Panjab University, Chandigarh, where he was working earlier. Thereafter, he kept on filing numerous representations to the University for grant of pension. Thereafter, he served a legal notice dated 29.06.2015 (*Annexure P-13*) to the authorities of Panjab University with regard to pension and in reply thereto Panjab University, Chandigarh issued an impugned letter/order dated (*Annexure P-14*) rejecting the claim of the petitioner stating that the petitioner is not a member of the Panjab University pension scheme.

The perusal of the pleadings shows that when the petitioner was allocated to PSEB, though, according to him, it was done provisionally, but the petitioner appears to have been working in the PSEB as a regular employee. He was also promoted to the post of Superintendent and then Assistant Secretary in PSEB and at any point of time during his service in PSEB, he never sought that he should be reverted back to his original employer i.e. Panjab University, Chandigarh. After his retirement in 1988, he approached this Court for the first time in the year 2008 against the PSEB claiming the pension but the service in the PSEB is not pensionable. Moreover, the said writ petition was withdrawn in the year 2009 with liberty to seek remedy against the Panjab University, Chandigarh. However, the petitioner never approached this Court for his claim. According to the petitioner, he kept on making representations for 8 long years and in the year 2017, he has come to this Court by way of present writ petition.

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I am of the view that in addition to the above noted facts, the petition is badly barred by delay and latches and this Court is not inclined to entertain the same. Therefore, the present writ petition stands dismissed.

February 28, 2017
Suresh Kumar

(KULDIP SINGH)
JUDGE

<i>Whether speaking / reasoned</i>	:	✓ Yes	/	No ✓
<i>Whether Reportable</i>	:	Yes	/	No