

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

LPA No.1838 of 2015 (O&M)

Date of Decision: 16.02.2017

Bal Krishan

..... Petitioner

Versus

State of Punjab and others

..... Respondent

**CORAM: HONBLE MR. JUSTICE SURYA KANT
HONBLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr. R.K. Arora, Advocate,
for the appellant.

Mr. Rajesh Bhardwaj, Addl. A.G., Punjab.

SURYA KANT J. (ORAL)

1. The appellant's claim for allowing him to exercise fresh option for the grant of revised pay-scale has been turned down by learned Single Judge on the ground of inordinate delay and laches. Learned Single Judge has also referred to the case law, laying down that where a person acquiesced his rights or has been sleeping over such right, the writ Court can decline to exercise its discretionary jurisdiction.

2. However, after hearing learned counsel for the parties, we find that there are various orders passed by other Benches including by one of us (Surya Kant, J.) where such belated claim has been entertained though subject to the rider that the pay shall be fixed notionally and pension/emoluments shall be paid prospectively i.e. from the date of decision of this Court. In the order under appeal, learned Single Judge has not assigned any reason whatsoever to distinguish those reasons.

3. In this view of the matter, we allow this appeal; set aside the order dated 06.07.2014 and dispose of the appellant's writ petition with a

direction to the respondents to consider his claim as contained in the legal notice dated 16.12.2013 (P-9) in the light of the decisions relied upon by him in the writ petition and pass an appropriate speaking order within a period of four months from the date of receipt of certified copy of this order.

**(SURYA KANT)
JUDGE**

16.02.2017

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No