

LPA no.1403 of 2017 (O&M) 1

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

LPA no.1403 of 2017 (O&M)

Date of Decision :23.10.2017

Shyam Lal Goyal

....Appellant(s)

Versus

The State of Haryana and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr.S.S.Dalal, Advocate for the appellant(s)

MAHESH GROVER, J.(ORAL)

This appeal is directed against the judgment of the learned Single Judge dated 25.4.2017.

The appellant who retired from service in the year 2002 claims that his junior one Same Ram Hooda had been granted higher pay than him which would entitle him to a similar pay structure. This issue he raised in the year 2011 by filing writ petition and the learned Single Judge declined interference, more particularly, when the respondents came on record to say that the benefit had been erroneously granted to the incumbent named by the appellant.

Before us similar arguments have been raised as the ones before the writ Court and we are unable to persuade ourselves to disagree with the learned Single Judge considering the inordinate delay in approaching the Court. The appellant stood retired in the year 2002 and evidently if his junior was given additional benefit this fact was known to him but he had

approached the writ Court in the year 2011 after lapse of 9 years of his retirement which in our opinion is fatal to his case. Even otherwise the State has conceded the error in admitting the said respondent to the benefits of higher pay and the writ Court cannot mandate a relief to perpetuate an error.

Therefore, no ground to interfere is made out. Hence, instant appeal is hereby dismissed.

(Mahesh Grover)
Judge

23.10.2017
rekha
Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

(Raj Shekhar Attri)
Judge