

Sr.No.136

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

LPA-1861-2017(O&M)

Date of Decision: 07.12.2017

Hans Raj Janni

.....Appellant

VS.

State of Haryana and another

....Respondents

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

Present:- Mr.D.D.Gupta, Advocate for the appellant.

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MAHESH GROVER, J (ORAL)

Delay of 38 days in refiling the appeal is condoned.

CM No. 4015-LPA of 2017 stands allowed.

This appeal is directed against the judgment of the learned
Single Judge dated 19.05.2017.

As a writ petitioner, appellant pleaded that he should be given
the benefits of the post of Director of Prosecution w.e.f 01.06.2005 instead
of 01.06.2006.

The facts reveal that in 2005 when the appellant was eligible for
consideration and promotion as the Director of Prosecution, someone else
was given the extension in service depriving him of the benefit which he
eventually got in the year 2006. Concededly, he had worked as a Director of
Prosecution since 2006. At that point of time when was ignored and
extension granted to another incumbent he never questioned such an
arrangement as being contrary to Rules. The appellant superannuated from
service in the year 2011 and filed the writ petition in 2015 with the afore

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noticed claim. Learned Single Judge declined interference both on the ground of delay as also on the ground that the appellant had worked as Director of Prosecution since 2006 and consequently would have no claim to any emolument or financial benefits w.e.f 2005.

We would have no reason to differ with the findings recorded by the learned Single Judge. Concededly the appellant did not question the extension given to an incumbent when the appellant himself was eligible for the post in the year 2005. Having acquiesced to this order, he cannot be permitted to rake up an issue in 2015 more particularly when in his entire service he did not do so and superannuated in 2011. Even after the retirement, he chose to file the writ petition four years thereafter. The claim was, therefore, highly belated and even otherwise not admissible considering that the appellant had worked as a Director Prosecution w.e.f 2006 which would be the day to construe his entitlement.

Dismissed.

(MAHESH GROVER)
JUDGE

(RAJ SHEKHAR ATTRI)
JUDGE

07.12.2017
mamta

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No