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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19896-2010

Date of decision-07.03.2018

Harpal Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sandeep Jasuja, Advocate for the petitioner.

Ms. Sudeepti Sharma, Addl.A.G., Punjab.

JITENDRA CHAUHAN, J.

The instant writ petition has been filed under Articles 226/227 of the Constitution of India, seeking issuance of a direction to the respondents to revise/re-fix the pay of the petitioner at par with his juniors who are getting more pay than him.

During the course of arguments, it has emerged that the foundation of the claim of the petitioner is based on the premise that one Hukam Chand Sharma had been getting higher pension than the petitioner. Beyond this, the petitioner has also averred that one Gurmail Singh, who was junior to him had also been drawing higher pension.

In the reply filed on behalf of the respondents, it has been specified that said Gurmail Singh being a member of the Scheduled Caste category, was promoted earlier in time to the petitioner in the next higher pay-scale, therefore, he had been drawing higher pension. Furthermore,

there is no employee in the Department who is drawing higher pension than the petitioner beyond Hukam Chand Sharma who, inadvertently was granted ACP, which has also now been withdrawn. As on date, nobody junior to the petitioner is drawing pension higher than the petitioner.

Otherwise also, the petitioner had retired in the year 2002, whereas, the instant petition has been filed in the year 2010 and thus, suffers from unexplained delay. In ***New Delhi Municipal Council Vs. Pan Singh and others, 2007(2) SCT 601***, Hon'ble the Supreme Court has held that “*It is trite that the discretionary jurisdiction may not be exercised in favour of those who approach the court after a long time. Delay and laches are relevant factors for exercise of equitable jurisdiction.*”

In view of the above, this Court is of the considered opinion that the instant petition sans merit and the same is, hereby, dismissed.

(JITENDRA CHAUHAN)
JUDGE

07.03.2018
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No