

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

CWP No.4074 of 2014.

Date of Decision: 14.02.2018.

Jaswinder Kaur and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Vijay Kumar Rana, Advocate,
for the petitioners.

Ms. Deepali Puri, Addl. AG, Punjab.

JITENDRA CHAUHAN.J.

Through the instant writ petition, the petitioners seek the benefit of study leave for the period during which they pursued 'A'-Grade Nursing Course.

It has been pleaded that the petitioners were initially appointed as Auxiliary Nurse Midwifery (ANM) in between 1978 and 1980 in the Primary Health Centres. The petitioners were selected and were sent for undergoing training course of General Nursing 'A' Grade. It has been further pleaded that study leave can be granted to such government employees on such terms as may be prescribed by general or special orders to enable them to study scientific, technical or similar subjects or to undergo special courses of instruction. Such leave shall not be debited against the leave account of the employees. It is asserted that in violation of Rule 8.126 of Punjab Civil Service Rules and the Study Leave Rules, 1963, order dated 22.03.1993 (Annexure P-1) was

issued by the respondents stating that no study leave shall be granted to ANM who have been sent for in service Training Course of General Nursing 'A' Grade.

As per the reply filed on behalf of respondent Nos.1 and 2, the benefit of study leave sought by the petitioners after almost 23 years of service is highly belated, therefore, the writ petition is liable to be dismissed on the ground of delay and laches alone.

Heard.

Admittedly, the petitioners underwent in-service training between 1990 and 1993 and the impugned order declining the benefit of study leave was passed on 22.03.1993 however, the instant writ petition was filed on 03.03.2014 i.e. almost after 21 years from the date of passing the impugned order.

In New Delhi Minicipal Council v. Pan Singh and Ors., 2007(2) SCT 601 : (2007) 9 SCC 278, it was held by Hon'ble the Supreme Court as under:-

"16. There is another aspect of the matter which cannot be lost sight of. The respondents herein filed a writ petition after 17 years. They did not agitate their grievances for a long time. They, as noticed herein, did not claim parity with the 17 workmen at the earliest possible opportunity. They did not implead themselves as parties even in the reference made by the State before the Industrial Tribunal. It is not their case that after 1982, those employees who were employed or who were recruited after the cut-off date have been granted the said scale of pay. After such a long time, therefore, the writ petitions could not have been entertained even if they are similarly situated. 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."

Learned counsel for the petitioners has failed to explain the delay in filing the present writ petition. Consequently, without going into the merits of the case, the present writ petition is dismissed on the ground of delay and laches.

14.02.2018.

SN

(JITENDRA CHAUHAN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No