

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

**LPA No.440 of 2019(O&M)
Date of decision: 05.04.2019**

Sukhwinder Singh

... Appellant

Versus

Punjab State Power Corporation Ltd. and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. B.D. Sharma, Advocate, for the appellant.

KRISHNA MURARI, C.J. (Oral)

CMs-1033-34-LPA-2019

For the reasons set out in the applications, delay of 68 days in filing and 84 days in re-filing the appeal is condoned.

CMs stand disposed of.

LPA-440-2019

This intra-court appeal under Clause X of the Letters Patent is directed against the judgment and order dated 21.08.2017 passed by the learned Single Judge dismissing the writ petition filed by the appellant-petitioner on the ground of delay and laches.

Facts required to be noticed for effective adjudication of the controversy in brief can be summarized as under.

The appellant-petitioner invoked the jurisdiction conferred by Article 226 of the Constitution of India seeking an appropriate writ, direction or order in the nature of mandamus to command the respondents to grant him the basic pay scale of Rs.325/- since his joining as work-charge/

cleaner and pay the revised retiral benefits to him accordingly. It is undisputed that after superannuation, the petitioner approached this Court by filing CWP No.998 of 2013 challenging the order of his retirement. The said writ petition was disposed of by this Court vide order dated 10.01.2017. There is no dispute about the fact that the claim made in the subsequent petition was not raised in the earlier writ petition. Admittedly, the appellant-petitioner was superannuated on 31.01.2013 after serving the Corporation approximately 34 years. During the entire period of service and even subsequent thereto when he preferred the previous writ petition, no claim was made with respect to the relief being sought by the petitioner in the subsequent writ petition.

Learned Single Judge finding that not only the petition was barred by inordinate delay and laches but was also not maintainable because of being a second writ petition. There is no plausible explanation as to why the relief being sought in this writ petition could not have been asked for when the earlier writ petition was filed.

In view of above facts and discussion, we do not find any infirmity in the judgment of the learned Single Judge, which may require any interference. Appeal is devoid of merit and accordingly stands dismissed.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

05.04.2019
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO