

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No. 1330 of 2019

Date of decision: 28.08.2019

Smt. Promila Kumari

... Appellant

Versus

The State of Punjab and others

... Respondents

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

Present: Mr. Vikram Bali, Advocate, for the appellant.

ARUN PALLI, J.

This is an *intra court* appeal under Clause-X of the Letters Patent, against an order and judgment dated 09.04.2019, rendered by the learned Single Judge, vide which the respondents have been directed to decide the legal notice dated 12.02.2019, they have been served with and in the event the petitioner (appellant) is found entitled to any monetary benefit the same shall be released within a specified time however, the arrears, if any, shall be released only from the date of filing of the writ petition.

Predicated upon instructions issued by the Government of Punjab dated 01.09.1960, the petitioner had approached this Court for a mandamus to command the respondents to release all benefits (revised scale arrears and all consequential benefits) with interest she was entitled to on attaining higher qualification i.e. a post-graduate degree. Concededly, the petitioner obtained a degree in Master of Arts in April 1977, and thus, in terms of the instructions dated 01.09.1960, she was entitled to the benefits envisaged thereunder w.e.f. 1977 itself. However, all through her service career she made no such claim. So much so, she retired from service on

attaining the age of superannuation on 30.06.2008 and approached this Court after over a decade vide a writ petition, referred to above. The learned Single Judge though noticed this factual matrix obtaining in the matter but still thought it appropriate to dispose of the matter with the observations: “**further, it is made clear that in case the petitioner is found entitled for relief, the arrears, if any, shall be paid to her only from the date of filing of the present writ petition**”. The limited grievance that the appellant has is: that the learned Single Judge confined the benefit of arrears, in the event her claim is granted, only from the date of filing of the writ petition. Suffice it to say that cause of action had accrued to the appellant in the year 1977 but she never made any such claim while she was in service till 30.06.2008. Even the petition was filed after ten (10) years of her retirement. That being the position, in our considered opinion the order passed by the learned Single Judge restricting the benefits of arrears only from the date of filing of the petition was just, fair and equitable. Hence, we are dissuaded to interfere in the impugned order and judgment. The appeal being devoid of merit is accordingly dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

28.08.2019

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No