

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

CWP No.26178 of 2018 (O&M)
Date of decision : 16.1.2020

Ran Vir Singh (deceased) through his LRsPetitioners

versus

State of Haryana and others Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Shiv Kumar, Advocate, for the petitioners.

Mr. B.R. Mahajan, Sr. Advocate with
Mr. Vaibhav Parashar, Advocate, for the respondents.

Nirmaljit Kaur, J.

The writ petition is filed for grant of pay scale of ₹ 2200-4400 (pre-revised) of Tehsildar to the petitioner as prescribed by the Revenue Department from the date it was due alongwith arrears of salary/ pension/ retiral benefits.

Reply has been filed on behalf of respondents No.1 and 2 as well as on behalf of respondent No.3.

After hearing learned counsel for the parties as well as going through the pleadings and written statement, it is evident that the petitioner herein is seeking the pay scale of ₹ 2200-4400 only on the ground that Tehsildars in the Revenue Department in the State of Haryana were getting the said pay scale of ₹ 2200-4400.

The claim of the petitioner deserves to be rejected inasmuch as the duties of the Tehsildar working in the Municipal Corporation are different from that of the duties in the Revenue Department. There is not an iota of evidence or averment in the entire petition to show as to how their

duties were identical and how their salary can be equated. Secondly, the claim too is hopelessly time barred. He was promoted to the post of Tehsildar on 30.11.1994 and getting the pay scale of ₹ 2000-3200. Since, he retired on 30.11.2004 on the said post, he did not challenge the same either during service or even after his retirement till the year 2018 when he filed the writ petition after a gap of 14 years of his retirement and 24 years from the date he was promoted as Tehsildar.

The Hon'ble Apex Court in the case of M.R. Gupta vs. Union of India and others, 1995(4) RSJ 502 held that so long as an employee “is in service” a fresh cause of action arises every month when he is getting his monthly income on the basis of wrong calculation but the claim to be awarded on the basis of a proper pay fixation “is a right which subsists during the entire tenure of service”, whereas, in the present case, the petitioner did not raise any claim whatsoever and even after retirement, he approached after 14 years.

The issue of delay was dealt with by this Court in the case of Tarsem Pal vs. Punjab State Power Corporation Limited and others, 2013(3) SLR 314, wherein, the petitioner was serving as a Clerk with the Punjab State Power Corporation Limited and retired on 31.3.2005. He filed the writ petition after more than five years of his retirement praying for grant of proficiency step up in the pay scale on completion of 23 years of service. The same was dismissed by holding in para No.12 as under:-

“The petitioner retired from service on 31.3.2005 and the claim pertaining to the benefit of proficiency step up, which may be admissible to the petitioner during his service career, was sought to be raised more than five years after his

retirement, the claim made at such a later stage deserves to be dismissed on account of delay and laches only. The petitioner could raise a grievance about the pay scales admissible to him or the last pay drawn by him within a reasonable time after his retirement. He cannot be permitted to raise the same at any time on the plea that the same is recurring cause of action.”

In the case in hand, the petitioner is agitating after 14 years of his retirement and that too for parity of pay scale with the Tehsildars of the Revenue Department when he was promoted as Tehsildar way back in the year 1994.

In view of the above, the present writ petition is accordingly dismissed.

(NIRMALJIT KAUR)
JUDGE

16.1.2020
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No