

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

CWP-5204-2017

Date of decision: 31.01.2020

GURBINDER SINGH DHILLON AND OTHERS

...PETITIONERS

V/S

STATE OF PUNJAB & OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.K.Arora, Advocate,
for the petitioners.

Mr. Charanpreet Singh, AAG, Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court praying for the grant of arrears of the revision of the pay scales from the date the Circular dated 21.12.2011 (Annexure P-2) was issued by the respondent-department, whereby the anomaly in the pay scales was removed from 01.01.1996. This benefit has been restricted to the petitioners vide order dated 10.03.2016 (Annexure P-10) for the claim of arrears for 38 months prior to the date of filing of the writ petition.

Counsel for the petitioners contends that the petitioners are entitled to the release of arrears from the date the pay scales were granted to them or at least from the date the decision was taken by the Government of

Punjab i.e. 02.07.2012 (Annexure P-6) for release of the said benefit to the petitioners.

This contention of the learned counsel for the petitioners cannot be accepted as it is a settled preposition of law that an employee cannot be granted the benefit of he having slept over his rights. It is a well settled preposition of law that the arrears are restricted to 38 months prior to the date of filing of the writ petition. This is in the light of the basic principle of limitation which is being made applicable as a general principle for the grant of arrears as the financial benefits have to be so restricted accordingly. The prayer, therefore, as made in the present writ petition cannot be accepted.

The writ petition stands dismissed for the above said reasons.

January 31, 2020

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No