

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

CWP-2147-2021 (O&M)  
Date of decision:- 24.02.2021

Jaiparkash

...Petitioner (s)

Versus

State of Haryana and others

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE ARUN PALLI**

Present: Mr. Ravi Malik, Advocate,  
for the petitioner.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court)

\* \* \* \*

**RAVI SHANKER JHA, C.J. (ORAL)**

The petitioner, who was appointed on 23.05.2014 as Fitter and is working on that post since then, has filed this petition assailing the validity of clause 4 of the Haryana (Abolition of Distinction of Pay Scale between Technical and Non-Technical Posts) Act, 2014 (in short the Act) which is prior to the appointment of the petitioner.

Apparently, the petitioner was appointed in terms of and in accordance with the newly notified provisions of the Act and has been working since then. No factual background or foundation in the petition has been laid to challenge the constitutional validity of the Act, nor has anything been mentioned in the petition on the basis of facts on the basis of which the petitioner could assail the validity of the Act. It is settled law that challenge to the constitutional validity based on Article 14 of the Constitution of India has to be made on the basis of specific and clear pleadings and averments made by the petitioner(s) in the petition as has been held by the Supreme Court in the case of *Amrit Banaspati Co. Ltd. Vs Union of India and others* (1995) 3 SCC 335.

Mr. Deepak Balyan, learned Additional Advocate General, Haryana further points out that the petition has been filed by the petitioner after delay and laches and even otherwise in view of the law laid down by the Supreme Court in a bunch of appeals the lead case being *State of Madhya Pradesh and another Vs Bhailal Bhai and others* (1964) 6 SCR 261, the claim of the petitioner is not maintainable at this belated stage.

Be that as it may, in view of the law laid down by the Supreme Court in *Amrit Banaspati Co. Ltd.* (supra) and in the absence of any specific and clear averments and factual assertions in the petition, we find no reason to entertain the same, which is accordingly dismissed.

**(RAVI SHANKER JHA)**  
**CHIEF JUSTICE**

**(ARUN PALLI)**  
**JUDGE**

**24.02.2021**  
Amodh

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |