

116

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

CWP-6705-2021

Date of decision : 23.03.2021

S.P.S. Rana

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. R.P. Dangi, Advocate for the petitioner.

(The proceedings are being conducted through video
conferencing, as per instructions)

G.S. SANDHAWALIA, J. (ORAL)

Challenge in the present writ petition is to quash the pay fixation order dated 15.04.2011 (Annexure P-7) of the petitioner and for re-fixation of pay of the petitioner by granting the benefits of one increment of 3% to the petitioner on his promotion to the post of Superintending Engineer on 03.06.2010 and for release of all the consequential benefits alongwith interest is sought. Similarly, re-fixation of pay of the petitioner notionally by granting of one notional increment of 3% on 01.07.2011 during the currency period of punishment of stoppage of one increment without cumulative effect and actually on 01.07.2012 on expiry of the currency period, is claimed.

Perusal of the writ petition would go on to show that the petitioner superannuated on 30.06.2012 as Superintending Engineer and was granted the pension vide pension payment order and the pension was to

commence from 01.07.2012 (Annexure P-14). Punishment as such of stoppage of two increments without cumulative effect was reduced to one increment on 08.07.2013 after a period of more than six years. The representation has now been filed for claiming the benefits as such, on 04.04.2019 (Annexure P-21).

Learned counsel for the petitioner has vehemently submitted that similar issue as such was decided in CWP-3922-2011 on 03.10.2016 (Annexure P-8) and thus, sought to justify the delay as such in filing the present writ petition. Similarly, reliance is placed upon judgment of Madras High Court in case titled as *S. Srinivasan Vs. The Principal Secretary to Government Finance and another*, decided on 16.08.2017 (Annexure P-20), for the relief which is being claimed.

Keeping in view the above facts, this Court is of the opinion that extraordinary writ jurisdiction is not liable to be invoked for the said benefits, as those persons never slept over their rights and had approached the Courts on time.

Keeping in view the delay and laches as such, if the petitioner wants to agitate for the necessary grievances, it is always open to him to approach the competent Court of jurisdiction for the necessary relief, and the extraordinary writ jurisdiction is not liable to be exercised.

Accordingly, the present writ petition is disposed of with the aforesaid liberty.

23.03.2021*Pawan***(G.S. SANDHAWALIA)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**