

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

101 (PROCEEDINGS THROUGH V.C.)

RA-RS-1-2021 in RSA-538-2019

JAI PRAKASH SHARMA

VS.

THE HARYANA STATE AGRICULTURAL MARKETING BOARD,
PANCHKULA

Present: Mr. Saurabh Sharma, Advocate
for the applicant-appellant.

Prayer in this application under Order 47 Rules 1 and 2 read with Section 151 CPC is for the review of the judgment dated 31.10.2019 passed by this Court in RSA No.538 of 2019.

The limited prayer in the present application is based upon the judgment of the Hon'ble Supreme Court in *Union of India and others Versus Tarsem Singh 2008 (8) SCC 648* by asserting that the judgment of this Court is not sustainable on the ground of dismissing the suit of the applicant-appellant on the ground of delay as it was a continuous wrong, which cannot be barred by limitation.

Learned counsel for the applicant has put forth his submission in this regard by asserting that the claim, which the review applicant had put forth before this Court was not only relating to antedating the date of his promotion but for the grant of consequential benefits also and, therefore, the applicant was entitled to the said claim. Rigors of delay would not be applicable to the case of the applicant, who had filed a civil suit for redressal of his grievance. Prayer has thus been made for allowing the review application and for reviewing the judgment dated 31.10.2019 passed by this Court.

I have considered the submissions made by learned counsel for the applicant and with his assistance, have gone through the judgment which has been passed on 31.10.2019 by this Court as also the judgment of the Hon'ble Supreme Court in Tarsem Singh's case (supra). The Hon'ble Supreme Court in the said judgment in para 5, while summarizing the question with regard to delay and the effect thereof, has held as follows:-

*5. To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by filing a writ petition) or limitation (where remedy is sought by an application to the Administrative Tribunal). One of the exceptions to the said rule is cases 4 relating to a continuing wrong. Where a service related claim is based on a continuing wrong, relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. But there is an exception to the exception. If the grievance is in respect of any order or administrative decision which related to or affected several others also, and if the re-opening of the issue would affect the settled rights of third parties, then the claim will not be entertained. For example, if the issue relates to payment or re-fixation of pay or pension, relief may be granted in spite of delay as it does not affect the rights of third parties. **But if the claim involved issues relating to seniority or promotion etc., affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied** (highlighting is of this Court). In so far as the consequential relief of recovery of arrears for a past period, the principles relating to recurring/successive wrongs will apply. As a consequence, High Courts will restrict the consequential relief relating*

to arrears normally to a period of three years prior to the date of filing of the writ petition.”

In the light of what has been held by the Hon'ble Supreme Court in the above said judgment on which reliance has been placed by the applicant, reference of which was also made before the Hon'ble Supreme Court in the SLP, which has been preferred by him, I do not find any ground to accept the present review application and dismiss the same.

July 19th, 2021
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE