

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

105

CWP-6449-2020 (O&M)

Date of decision : 11.03.2022

Anil Parmar and others

....Petitioners

V/s

Union of India and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Rishav Sharma, Advocate for the petitioner.
Mr. Ashish Rawal, Advocate for the respondent-UOI.
(The proceedings are being conducting through Video
Conferencing, as per instructions)

G.S. SANDHAWALIA, J. (ORAL)

In the present petition, a challenge is made to the order dated 13.11.2014 (Annexure P-5), passed by Central Administrative Tribunal. Vide said order, the original application filed by the petitioners for grant of 1st ACP and 2nd MACP, was dismissed.

The writ petition has been filed before this Court on 02.03.2020, after a period of almost 5½ years. In the considered opinion of this Court, the order passed by the Tribunal has to be challenged within a reasonable period of time. The delay of the aforesaid period is not condonable in any manner. The argument has been raised by counsel is that the petitioners are suffering recurring losses on account of the fact that certain financial up-gradation benefit given to them were ordered to be withdrawn in view of their promotion as Accounts Assistant and the cause of action would still subsist.

The said principle can be applied for initiating the proceedings when the original application was filed before the Tribunal. In the considered opinion of

this Court, once the order has been passed by the Tribunal and rights of the parties have been adjudicated upon, the issue of limitation would come in for all times to come. A perusal of the impugned order would further go on to show that the overpayment had been made and recovery was ordered to be made in installments (12 installments starting from the month of October, 2013).

In such circumstances, the whole issue is not only dead and dormant over such a period but hit by delay and laches as well. The principle of recurring cause of action would not thus arise thereafter, as it is settled principle that even a void order has to be challenged within the prescribed period of limitation.

In such circumstances, we do not feel that a fit case is made out for exercising the extra ordinary writ jurisdiction of this Court, at this stage when the appellants have been negligent in pursuing their legal remedies.

Accordingly, the present petition is dismissed, in limine.

(G.S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

March 11, 2022

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No