

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

LPA-512-2022 (O&M)

Date of decision : 04.07.2022

Qimti Lal Jain (Retd.)

.....Appellant

Versus

The Power Utility Company Ltd. and others

....Respondents

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

Present: Mr. Roshan Lal Sharma, Advocate,
for the appellant.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

CM-1177-LPA-2022

For the reasons mentioned in the application, duly supported
by an affidavit, delay of 10 days in filing the appeal is condoned.

Application is, accordingly, allowed.

LPA-512-2022

This appeal has been filed by the appellant being aggrieved
by the order dated 03.02.2020 passed by the learned Single Judge in
CWP No. 2796 of 2020, whereby claim of the appellant for grant of
proforma promotion and re-fixation of pension has been rejected on the
ground of delay and latches.

Learned counsel for the appellant submits that claim of the
appellant for re-fixation of pension has wrongly been rejected on the

ground of delay and latches, as such a claim is reckoning cause of action and cannot be rejected on this ground.

We have heard learned counsel for the appellant.

In the instant case, the facts of the case reveal that the appellant was working in the establishment of the respondents. He retired and superannuated from service as Assistant Engineer in the year 2003. Subsequently, he filed a writ petition before this Court, which was registered as CWP No. 28510-2018, wherein he sought a direction to the respondents for consideration of his claim for promotion as Junior Engineer Grade I with effect from 19.07.1979, when his juniors were promoted, and as Assistant Engineer on 07.01.1988. The said petition was disposed of by this Court directing the respondents to consider and decide the representation dated 30.04.2015 and legal notice dated 16.06.2015 of the appellant, which were rejected by the authorities vide order dated 06.05.2020. Against this order, the appellant filed CWP No. 2796 of 2020, which has been dismissed by the learned Single Judge on the ground of delay and latches.

Evidently, the claim of the appellant for re-fixation of his pension is based on the ground of proforma promotion, which claim was made by him for the first time in the year 2015 by way of representation/legal notice after having superannuated from service in the year 2003. Moreover, the claim for grant of proforma promotion to the post of Assistant Engineer has been made with effect from 07.01.1988, whereas it is an admitted fact that from the year 1988 till the year 2015, the appellant never sought for promotion or claimed any right in that regard, even after his superannuation in the year 2003. In this regard, he filed the writ petition (CWP No. 28510 of 2018) for the first time in the

year 2018, i.e. 15 years after his superannuation. It is in these circumstances that the learned Single Judge has dismissed the writ petition filed by the appellant on the ground of delay and laches after considering all the judgments relied upon by the appellant and discussing the same in detail.

We find no illegality or perversity in the order dated 03.02.2020 passed by the learned Single Judge, warranting interference in this Letters Patent Appeal.

The appeal being meritless is, accordingly, dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

July 04, 2022
ndj

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No