

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.5376 of 2016

Date of Decision: 08.04.2022

Arun Bansal

....Petitioner

VERSUS

Union of India and others

....Respondents

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

Present: None for the petitioner.

Mr. Aseem Aggarwal, Advocate for
Mr. Harsh Aggarwal, Advocate for respondent Nos.2 and 3.

G.S. SANDHAWALIA, J. (Oral)

Challenge in the present petition filed under Articles 226/227 of the Constitution of India, is to the order dated 17.12.2015 (Annexure P/1) passed by the Central Administrative Tribunal, Chandigarh Bench, whereby the Original Application was dismissed on the ground of limitation. Thereafter, the review application was also dismissed on 21.01.2016 (Annexure P/2) on the ground that there was no error apparent in the earlier order.

The claim of the petitioner as such was regarding the payment of Death-cum-Retirement Gratuity (DCRG) amounting to Rs.58296/- instead of Rs.42672/- along with interest, which pertained to his father. The Tribunal had noticed that father of the applicant was an employee of the K.V.S. and had expired on 29.05.1993 and the family pension was paid to his wife Smt. Kamlesh Bansal and gratuity of Rs.42672/- was sanctioned and paid to her on 08.06.1995.

Original application having been filed in the year 2015, was accordingly held to be barred by limitation and being a stale claim and the fact that mother of the applicant being wife of the deceased was also working as Teacher in K.V.S. and also being nominee for DCRG, had raised no such claim while receiving the amount in the year 1995.

Perusal of the paper book would go on to show that the amount of DCRG was worked out to Rs.58296/- instead of what was actually paid to the mother of the petitioner. The claim has been specifically refuted by the respondents to the extent that amount was only payable to the tune of Rs.42672/-. In our considered opinion, wife of the deceased, who was nominee at that point of time and was employee with K.V.S. had never chosen to agitate regarding the difference of amount payable.

It is settled principle that the court helps those who are vigilant and "do not slumber over their rights" and belated and stale claims are not gone into, if there is neglect as such on the part of the litigant itself. The Apex Court in ***Pundlik Jalam Patil (dead) by LRs. V. Executive Engineer, Jalgaon Medium Project and Another, (2008) 17 SCC 448***, held that a lifespan is fixed for legal remedy for the purpose of general welfare, which view was followed by the Apex Court in ***Office of the Chief Post Master General & Ors vs. Living Medical India Ltd. & Anr. (2012) 3 SCC 563***, wherein the principles were laid down in the absence of any plausible and acceptable explanation when there was gross negligence or deliberate inaction, the litigation cannot carry on.

The original application being filed after 20 years from the amount was disbursed to the mother of the petitioner, could not be maintainable and the Tribunal by dismissing the same on the ground of

delay and laches, has not committed any error as such, which would warrant interference under Articles 226/227 of the Constitution of India.

Accordingly, the present writ petition is dismissed.

(G. S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

April 08, 2022
Sachin M.

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