

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

110

**CWP No. 4951 of 2023
Date of Decision : 13.7.2023**

*Gulbash Kaur and others**..... Petitioners**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Harsh Mehla, Advocate, for the petitioners

TRIBHUVAN DAHIYA J. (ORAL):

This petition has been filed seeking a writ of *certiorari* for quashing the order dated 3.2.2020 (Annexure P-12) declining the petitioners' claim for pensionary benefits; and a writ of *mandamus* directing the respondents to re-fix their pay and consequently their pensions after granting additional dearness allowance (DA).

2. Undisputedly, the petitioners, who were appointed as JBT Teachers, were regularized in service on different dates between 16.12.1959 to 7.7.1986. Subsequently, they were granted promotions also, and retired from service between 30.11.1995 to 31.1.2010. Keeping in view these facts, the respondents passed the impugned order dated 3.2.2020, rejecting the petitioners' claim for re-fixation of their pay/pension w.e.f. 01.4.1979 by observing:

Here in the present cases also, the cause of action arose during the year 1973-74 and the petitioners have challenged the said action after more than 4 decades. Further, while deciding SLP (C) No. 20144 of 1991 – State of Haryana and another v. O.P. Sharma and

another, the Hon'ble Supreme Court of India vide its order dated 17.2.1993 held that the action of the State Government in either recovery or adjustment of interim *ad hoc* relief does not suffer any illegality, arbitrariness or discrimination. Hence, the benefit of restoration of a part of the amount of *ad hoc* relief which was deducted while fixation of pay w.e.f. 1.4.1979 as claimed in the representation dated 19.7.2019 cannot be extended to the petitioners keeping in view the position narrated above. Thus, the claim of the petitioners is rejected on merits as well as a stale claim suffers from delay and laches.

3. There is no illegality in the impugned order passed by the respondents declining the petitioners' stale claim raised after the inordinate delay.

4. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

13.7.2023

Ashwani

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No