

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 3814 of 2023

Date of Decision: 24.02.2023

Pritam Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. G.S.Dhaliwal, Advocate
for the petitioner(s).

Mr. R.K.Kapoor, Additional Advocate General,
Punjab.

Anil Kshetarpal, J.

1. This writ petition has been filed to seek the following substantial reliefs:-

- i) *Issue a writ in the nature of mandamus directing the respondents to re-fix the pay/pension of the petitioner and to release the arrears alongwith interest the @12% p.a.*
- ii) *Issue a writ in the nature of mandamus directing the respondents to count the previous service of the petitioner in the indian army w.e.f. 01.04.1970 to 31.03.1986 for the purpose of fixing pension and other benefits and pay the arrears @12% p.a. from the date of accrual till the actual payment.*
- iii) *Issue a writ in the nature of certiorari for quashing the*

impugned order dated 21.11.2019 (annex.p/6) whereby the respondents have refused to refix pay/pension of the petitioner.

iv) Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the present case.”

2. Heard the learned counsel representing the petitioner. On being confronted with the question of delay in filing the petition, he submits that the retiral benefits of the petitioner shall be increased as the pay of the petitioner is properly fixed. He submits that at the most, the recovery of arrears can be restricted to a period of three years and two months.

3. The relevant facts, in brief, are required to be noticed. The petitioner, after having been enrolled in the Army on 14.04.1970, got relieved on 13.03.1986. Thereafter, he was employed as a Telephone Operator in the Punjab Civil Secretariat w.e.f. 18.08.1986. He, on attaining the age of superannuation, retired on 30.06.2007. He claims that due to mistake, he has not been paid the classification pay of ₹30/- and GS pay of ₹ 32/-. Apart therefrom, he claims that he was entitled to ₹5/- as personal pay w.e.f. 01.08.1986 which also not been paid. He also claims that the house rent allowance which, though paid, was on the lower side then it should have been actually given.

4. As already noticed, the petitioner retired in the month of June, 2007. A period of more than 15 years has elapsed. Hence, this writ petition has been filed after a period of more than 15 years. The retiral dues of the petitioner can be revised only if the petitioner proves that he was entitled to

law and the same were wrongly denied to him. As already noticed, the petitioner did not take any step for such claim when he was in service. The relationship between the employer and employee came to an end on 30.06.2007.

5. Keeping in view the aforesaid facts, this Court does not find it appropriate to exercise its extraordinary writ jurisdiction in favour of the petitioner. Hence, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

February 24, 2023
“DK”

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