

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

CWP-7177-2022 (O&M)

Date of decision: 24.01.2023

Sikander Singh and others

....Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sanjeev Kumar Arora, Advocate for the petitioners
Mr. D.K.Singal, Addl. AG, Punjab

ANIL KSHETARPAL, J (Oral)

Through this writ petition, the petitioners pray for the following substantive reliefs:-

“b) issue an appropriate writ, order or direction especially in the nature of Certiorari for quashing of the order dated 7.12.2018 issued to the petitioners vide endorsement dated 13.3.2019 (Annexure P-8) whereby the claim of the petitioners for stepping up of their pay at par with their junior I.e Subhash Singh (Seniority No.1964) in view of the instructions dated 14.3.2017 (Annexure P-3) has been rejected in an illegal and arbitrary manner.

c) issue a writ in the nature of Mandamus directing the respondents to step up the pay of the petitioners at par with their junior I.e Subhash Singh (Seniority No.1964) in view of the instructions dated 14.3.2017 (Annexure P-3) vide which it was decided to step up the pay of general category employees from the date when the junior employees belonging to reserve category were promoted and the petitioners may also be granted all arrears of pay, retiral benefits and other consequential benefits with interest @ 12% p.a.”

All the petitioners, on attaining the age of superannuation, stand retired between 2008 to 2010. They pray for issuance of a writ in the nature of Certiorari to quash the detailed order dated 07.12.2018, passed by the Director, Public Instructions (EE), Punjab. In substance, the

petitioners pray for stepping up their pay at par with their alleged juniors. A previous writ petition filed by the petitioners was disposed of on 04.04.2018, while directing the respondents to consider the claim of the petitioners by passing a speaking order. Consequently, the impugned order has been passed.

It has been found that though the petitioners claim that they were not promoted as the Senior Assistant prior to their juniors, however, it has been found that the petitioners failed to clear the test under the Assistant Grade Examination Rules, 1984. Hence, they were not eligible to be promoted as the Senior Assistant. Moreover, the claim of the petitioners suffers from unexplained delay and laches. As already noticed, the petitioners retired between 2008-2010. They are required to refer to the original cause of action that suffers from inordinate delay because the impugned order has been passed only on the direction of the Court.

Keeping in view the aforesaid facts, the writ petition is dismissed both on merits as well as on the ground of delay and laches.

All the pending miscellaneous applications, if any, are also disposed of.

24.01.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE