

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

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CWP-14965-2023

Date of Decision: 24.07.2023

Swaran Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Paramjit Batta, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J (ORAL)

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to release the arrears of Senior Scale of Patwari to the petitioner w.e.f. 04.07.1989 along with interest @ 12%.

2. The petitioner claims arrears of Senior Scale of Patwari w.e.f. 04.07.1989 for the delayed payment of the same. Admittedly, the payment was made to him on 27.12.2007. He could not have been granted the said benefit as there was a criminal case registered against him. After he was acquitted, the senior scale has been granted to him. The petitioner did not raise any grievance for claiming arrears from 2007 upto the date he retired i.e. in the year 2018 and thereafter, he has now taken up the matter in 2023.

3. While there may not be a time limit laid down for filing a writ petition, ordinarily the limitation for filing of a suit may be taken as a guiding source for accepting a writ petition in this Court i.e. of 3 years.

A similar view has been taken by the Hon'ble Supreme Court in the case of *Northern Indian Glass Industries Vs. Jaswant Singh and others, 2002 Supp.(3) SCR 534*.

4. Learned counsel for the petitioner submits that the claim raised by the petitioner is a continuing deprivation and he, therefore, has a right to claim it even belatedly. A person who has been silent for 10 years while in service and thereafter, for five years after retirement, cannot be said to be having any interest with regard to arrears of senior scale claiming it from 04.07.1989 upto 2007. Granting of senior scale and selection scale also depends on several factors including good service. These aspects and record of the petitioner cannot be looked into after so many years. The delay and latches are writ large and are fatal to the claim.

5. Keeping in view the above, the present petition is found to be wholly frivolous and accordingly, the same is dismissed.

24.07.2023

D.Bansal

(SANJEEV PRAKASH SHARMA)
JUDGE

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