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

CWP-25494-2015

Date of Decision: 24.05.2023

MALKIAT SINGH

....Petitioner

Versus

STATE OF PUNJAB & ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. V.K. Shukla, Advocate for
Mr. R.S. Sharma, Advocate
for the petitioner.

Mr. Vikas Mohan Gupta, Addl. AG, Punjab.

ANIL KSHETARPAL, J. (Oral)

1. The petitioner prays for the issuance of the writ in the nature of mandamus to direct the respondents to grant him the pay scale of the post of Motor Vehicle Inspector as he has been performing the duties of Motor Vehicle Inspector on a regular basis. He retired on attaining the age of superannuation on 30.04.2015, whereas, the writ petition has been filed in October 2015. While contesting the writ petition, the respondents have brought to the notice of the Court that vide order dated 19.07.2001, the petitioner serving as a Motor Vehicle Inspector was regularized subject to the following stipulation:-

"Sh Malkiat Singh, who was working as Turner in Punjab Roadways was also posted as MVI along with Sh Bhagwant Singh vide order dated 18.06.1993 in his own pay scale. This employee possesses the required qualification for the post of MVI, but this official was working as Turner earlier, but pay scale for the post of Turner was lesser than

the post of MVI as such the pay scale of the MVI could not be given to him. Thus he was posted as MVI on his own pay scale 4020- 6200. He was regularized on the condition that he will not be given the pay scale of MVI and he will be given the salary in his own pay scale 4020-6200 nor he would be entitled to the pay scale of MVI in future as such the petitioner is not entitled for the relief claimed in the writ petition.”

2. The learned counsel representing the respondents submits that the petitioner has never challenged the aforesaid stipulation not even in the present writ petition.

3. No doubt, there is no period of limitation for filing the writ petition, however, the Court before exercising the discretion is required to examine the question of delay and laches while considering the question that whether the claim, as raised in the writ petition is made out or not, while examining the question of delay. In the present case, the petitioner has not assailed the correctness of stipulation notice which is extracted above. He continued to serve the department for a period of nearly 14 years without any objection. In these circumstances, the writ petition suffers from unexplained delay and laches which cannot be overlooked.

4. Hence, the writ petition is dismissed only on the ground of delay and laches.

(ANIL KSHETARPAL)
JUDGE

24.05.2023
Amandeep

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