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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-20353-2023 (O&M)
Date of Decision: 02.11.2023

Satinder Vir Singh

. . . . Petitioner

Vs.

Punjabi University and another

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Hardeep Singh, Advocate, for the petitioner.

Ms. Divya Godara, Advocate
for the respondents.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner by way of this writ petition has claimed arrears of difference of gratuity and leave encashment, basic pay, old age allowance, interim relief, DA on increase of pension along with old age allowance and interim relief with 9% interest from the date he retired i.e. 30.04.2002 to 30.06.2022, in accordance with the Government notification dated 14.03.2017.
2. Learned counsel for the petitioner admits that in terms of the Government notification adopted by the Punjabi University syndicate, the petitioner had applied on 04.07.2021 for claiming stepping up of his pay at par with SC category employee, and the said application was allowed and benefit was granted to the petitioner and his pay was stepped up vide order dated 22.07.2022.
3. Learned counsel also states that while stepping up the pay, the petitioner was given benefit of 38 months of arrears of pension and other retiral benefits, however, he wants more.

4. This Court finds that the petitioner had put up the claim on the basis of a seniority list which was published in 2019, although he retired in 2002. The declaration of the petitioner being senior to one SC category employee resulted in his stepping up of pay by giving him benefit of arrears of 38 months. The claim was admittedly belated as the petitioner had retired way back in 2002.
5. In the case of *M.R. Gupta vs. Union of India and others, 1995 SCC (5) 628*, the Apex Court held that even if there is a rightful claim and the same is not taken up within time, the actual payment of arrears can be reduced for a particular period alone. In the present case, the petitioner has already been granted 38 months of arrears, although he had put up his claim only in the year 2021.
6. In view of above, claiming of arrears for the period from 2002 is found to be highly belated and suffers from laches. The delay has not been explained, especially when the petitioner himself mentions of certain litigations having been taken up by one Charan Dass in writ petitions in the year 2008, which was made as a basis of the petitioner in claiming his benefits by moving application on 04.07.2021 only.
7. Therefore, no case for granting arrears from 2002 can be said to be made out in favour of the petitioner.
8. Writ Petition is misconceived and is accordingly *dismissed*.
9. All pending applications also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

November 02, 2023

Mohit goyal

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No