

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

(224)

CWP-2732-2023 (O&M)

DATE OF DECISION:- 10.02.2023

RAJ KUMAR CHHILLAR

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Suraj Bhan Panchal, Advocate
for the petitioner.

SUVIR SEHGAL, J. (ORAL)

CM-2532-CWP-2023

Application is allowed as prayed for.

Main case

Prayer in the instant writ petition is for quashing of order dated 04.10.2022, Annexure P-7, whereby representation of the petitioner has been dealt with and his claim for grant of first and second Assured Career Progression (ACP) has been declined on the ground that he was not entitled to it as he had not completed regular and satisfactory service.

Petitioner was appointed on the post of Junior Engineer on adhoc basis in the Panchayati Raj Department, Haryana. He was selected on the post of Junior Engineer on regular basis and joined the PWD (B&R) Department on 06.03.1987. He retired from service on 19.10.2010. As the period of adhoc service, rendered by the petitioner was not being counted as qualifying service for the purposes of pension,

he approached this Court by filing CWP-15716-2013, which was disposed of on 25.08.2015, Annexure P-2, with a direction to the respondents to count the adhoc service in accordance with law and refix his pension and retiral benefits. LPA, filed by the State, was disposed of vide order dated 18.04.2017, Annexure P-3, and his pension was refixed. Petitioner claims that during his service tenure, he was awarded a punishment of stoppage of two annual grade increments “without future effect”, but the respondents withheld two annual increments “with future effect”. Another claim raised by the petitioner is that he was entitled to grant of first and second ACP, but the same has not been released to him.

I have heard counsel for the petitioner and perused the paper-book with his able assistance.

Concededly, the petitioner retired from service in October, 2010. He has filed the present petition before this Court in February, 2023 claiming the benefits, which allegedly became due to him prior to his retirement. Except for serving, a representation in the year 2018, Annexure P-5, and filing CWP-6728-2020, the petitioner did not stake his claim at any time during the last more than two decades despite the fact that at an earlier point of time, he had approached this Court, though for a different relief. The mere filing of a representation by the petitioner eighteen years after his retirement, would not give a lease of life to a claim, which by afflux of time had become dead and stale. Reference can be made to the judgment of Hon’be Supreme Court in *Union of India and others Versus M.K.Sarkar, (2010) 2 SCC 59*, wherein it has been held that when a belated representation in regard to a ‘stale’ or ‘dead’ issue/dispute is considered and decided, in compliance with a direction

by the Court/Tribunal to do so, the date of such decision cannot be considered as furnishing a fresh cause of action for reviving the `dead' issue or time-barred dispute. The issue of limitation or delay and laches should be considered with reference to the original cause of action and not with reference to the date on which an order is passed in compliance with a court's direction.

In view of the above given circumstances, petition cannot be entertained on account of laches.

Petition is dismissed.

10.02.2023

Kamal

(SUVIR SEHGAL)

JUDGE

Whether speaking/ reasoned	Yes/ No
Whether Reportable	Yes/ No