



LPA-264-2021

1

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

LPA-264-2021 (O&M)

Reserved on 03.09.2024

Pronounced on: September 23, 2024

Rachna Loona

.....Appellant

vs.

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. G.S. Nahel, Advocate, for the appellant.

Mr. Maninder Singh, Sr. DAG, Punjab

SUDEEPTI SHARMA J.

1. The present Letters Patent Appeal under Clause-X of the Letters Patent Appeal Act, is preferred against the judgment dated 05.02.2021 passed by the learned Single Judge in CWP No. 1280-2021, whereby prayer of the petitioner for stepping up her pay equivalent to her junior, was dismissed on the ground of delay and laches.

2. Brief facts of the case as stated in the Civil Writ Petition are that the petitioner joined the services of the respondents as Mistress on 27.04.1992, whereas one junior namely Seema Rani joined the services on 19.06.1992. The petitioner was promoted as Lecturer on 24.10.2001 and the junior namely Seema Rani was also promoted as Lecturer on 13.09.2008. Before promotion, the petitioner was granted an increment of ACP after a service of 8 years i.e. in the year 2000, whereas the junior was granted total three increments of ACP, first ACP was granted after a service of 8 years in



the year 2005, 2nd and 3rd ACP's were granted after 9 and 14 years of service, in the year 2006. Therefore, when junior namely Seema Rani was promoted as Lecturer on 13.09.2008, she was drawing the basic pay of Rs.22750/-, whereas the petitioner was getting the basic pay of Rs.21910/-. Thus, the anomaly was created and the petitioner is getting less pay than her junior.

3. The petitioner made representation, which was accepted on 14.10.2015 and her pay was re-fixed. The petitioner on not being satisfied, kept representing. On 03.05.2016, the previous order passed regarding re-fixing her pay was withdrawn by the respondents. A specific order in this regard was passed. The petitioner challenged the correctness of the aforesaid order by filing the civil writ petition in January, 2021. However, the writ petition was dismissed by the learned Single Judge, vide impugned judgment dated 05.02.2021 on the ground of delay and latches. Hence the present appeal.

4. Learned counsel for the appellant/petitioner contends as under:-

- (i) That the claim of the appellant/petitioner has wrongly been rejected by the learned Single Judge only on the ground of delay and latches.
- (ii) That the learned Single Judge has not touched the real issue involved in the civil writ petition. He, therefore, prays that the present appeal be allowed and the impugned judgment passed by the learned Single Judge be set aside.

5. *Per contra* learned counsel for the respondents argues on the lines of the judgment dated 05.02.2021 passed by the learned Single Judge and contends that since the appellant-petitioner approached the Court after a



delay of about 4 ½ years, therefore, the present appeal deserves to be dismissed.

6. We have heard learned counsel for the parties and perused the whole record of the case.

7. A perusal of the reply dated 16.12.2023 filed on behalf of respondent Nos. 1 to 4 shows that initially the appellant was appointed as Science Mistress on 27.04.1992 and thereafter, she was promoted as Lecturer (English) on 24.10.2001. Seema Rani (Junior employee) was appointed as Science Mistress on 19.06.1992 and was promoted as Lecturer (Economics) on 13.09.2008.

8. Further, before promotion, the appellant was granted an increment of ACP after the service of 8 years in the master cadre. The junior employee (Seema Rani) was granted total three increments of ACP after a service of 8 years, 9 and 14 years in master cadre. Therefore, on 01.11.2006, the basic pay of the appellant was Rs.20650/- and the basic pay of the junior employee (Seema Rani) was Rs.20,800/-. On 01.11.2006, the appellant was working as Lecturer (English) and the junior employee (Seema Rani) was working as Science Mistress i.e. different cadre where anomaly has created.

9. The reply further shows that as on date, the department has not issued any final seniority list of Master Cadre, therefore, the appellant-petitioner cannot claim herself to be senior.

10. It has rightly been observed by the learned Single Judge that the order challenged in the writ petition was dated 03.05.2016, whereas the appellant-petitioner preferred the civil writ petition in the year 2021 i.e after



unexplained delay of about 4 ½ years. The writ petition was, thus, rightly dismissed by the learned Single Judge on the ground of delay and latches.

11. Therefore, we do not find any infirmity in the impugned judgment dated 05.02.2021 passed by the learned Single and the same is affirmed.

12. Accordingly, the present appeal is *dismissed*.

13. All the pending applications, if any, also stand disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

September 23, 2024
G Arora

Whether speaking/reasoned : Yes
Whether reportable : Yes