



IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 107

Civil Writ Petition No.3857 of 2024
Date of Decision: May 15, 2024

Om Parkash

..... PETITIONER(S)

VERSUS

State of Haryana & others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Rajiv Sharma, Advocate, for the petitioner.

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Tribhuvan Dahiya, J (Oral)

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 14.07.2023, Annexure P-10, whereby the petitioner's claim for revising pension by setting aside the order dated 29.10.2003, has been rejected.

2. As per facts apparent on record, the petitioner joined service as Primary Teacher (JBT) on 29.04.1968, and was promoted as S.S. Master on 11.03.1987. The benefit of first ACP scale extended to him earlier was withdrawn vide office order dated 29.10.2003, on the ground that having been promoted as S.S. Master he was not entitled to it. Rule 3(e) of the Haryana Civil Services (Assured Career Progression) Rules, 1998, stipulated that the benefit was admissible to 'direct recruited fresh entrant'. He never challenged the order during service and superannuated on 31.07.2005.



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3. The instant petition has been filed without impugning the order dated 29.10.2003, after more than twenty years of delay. Accordingly, the impugned order declining the petitioner’s claim on the ground of limitation cannot be taken exception to, nor can the petition be entertained after the inordinate delay. By remaining dormant for so long, he acquiesced to abandoning the claim altogether. Once he himself has chosen to give a burial to his rights, the same are proclaimed dead and cannot be revived.

4. Dismissed.

(Tribhuvan Dahiya)
Judge

May 15, 2024
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<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>