

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-725-2024 (O&M)

Date of decision:- 02.05.2024

Mohinder Singh

...Appellant(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. Rahul Jaswal, Advocate,
 for the appellant.

Mr. Salil Sabhlok, Senior Deputy Advocate General, Punjab.

Mr. Ashwani Talwar, Advocate,
for respondents No. 2 to 4 - PSPCL.

* * * *

G.S. SANDHAWALIA, A.C.J. (ORAL)

1. The challenge made in the present appeal is to the order dated 21.02.2024 passed by the learned Single Judge, whereby CWP-1422-2024 filed by the writ petitioner was dismissed.
2. The learned Single Judge has relied upon a plethora of judgements while dismissing the writ petition which was primarily seeking the relief of decision on the legal notice dated 16.11.2023 (Annexure P-7). A perusal of the said legal notice would go on to show that the claim as such was regarding the correct pay fixation of the retired employee who had superannuated on 31.10.2007 and had been granted pension and other retiral benefits. Apparently, as per the legal notice itself, the deficiency in pension and other retiral benefits when his pay was being fixed in the years 1986 and 1996 upon his promotion as Lineman was the grouse. The request for re-fixation had been made in the year 2011 and followed up in the year 2020 which eventually led to the filing of the writ petition in the year 2024. It is in

such circumstances the learned Single Judge has preferred not to issue any directions for consideration of the representation, principally, on the ground that the same was barred and liable to be rejected on the ground of delay and laches. We do not want to add to the judgements relied upon by the learned Single Judge on the said principle. However, we can only add one judgement of the Apex Court in *The Government of India and another Vs P. Venkatesh* 2019(15) SCC 613, wherein it was held that the cause of action cannot be extended by filing a representation which was in principle the claim. It has been observed that ‘decide my representation mantra’ is the bane as such which leads to extended rounds of litigation.

3. It is in such circumstances, we are of the considered opinion, that non-interference by the learned Single Judge was the correct view as such in the peculiar facts and circumstances the appellant having never raised his claim during his period of service or immediately thereafter. In such circumstances, we do not find any reason to entertain the present appeal.
4. The appeal being meritless, accordingly, stands dismissed.

(G.S. SANDHAWALIA)

ACTING CHIEF JUSTICE

(LAPITA BANERJI)

JUDGE

02.05.2024

Amodh Sharma

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