



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

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CWP-6468-2023(O&M)
Date of decision: 13.08.2024

Chander Lekha

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Abhinav Rawal, Advocate for
Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

AMAN CHAUDHARY, J. (Oral)

1. The prayer made in the present petition is for directing the respondents to grant the revised pay scale of Rs.13500-17250/- w.e.f 01.01.1996 to the deceased husband of the petitioner in terms of judgment of this Court in **Dr. K.L. Kumar and others vs. State of Haryana and others**¹, the appeal and review application against which, filed by the State before the Division Bench were dismissed vide orders dated 10.08.2010 and 07.08.2013 respectively and so was the SLP before Hon'ble the Supreme Court on 12.10.2018.

2. Learned State counsel though has not been able to controvert the applicability of the aforesaid judgment, however, resists the petition on the solitary premise of delay in approaching the Department to claim the same, which is untenable in view of the law laid down in **M.R. Gupta vs. Union of India**², wherein Hon'ble the Supreme Court held that application for proper pay fixation

¹ CWP-10506-2002, decided on 06.10.2009



cannot be treated as time barred since it is based on a recurring cause of action, which arises every month when the employee is paid his monthly salary on the basis of a wrong computation made contrary to rules. Further, by relying on the said dictum in **Union of India vs. Tarsem Singh**³, it was observed and held that if the issue relates to payment or re-fixation of pay or pension, relief may be granted in spite of delay, as it does not affect the rights of third parties.

3. It would be highly unjust and inequitable to deny the family of the employee the benefit that accrues to them, especially in wake of the fact that despite their case being covered on all fours by **KL Kumar** (supra), they are receiving lesser amount of pension each month, which creates a continuing source of injury, thus is a continuing wrong.

4. This Court, while relying on the judgment in LPA-930-2010, State of Haryana and another vs. K.L. Kumar and others, decided on 10.08.2010, granted similar relief in a batch of petitions, with lead CWP-15887-2011, **Jagdish Chander Narang and others vs. State of Haryana**, on 11.03.2019, which was also not taken up in appeal.

5. In view of the aforesaid, the present petition is disposed of in terms of the judgment passed in **KL Kumar** (supra).

(AMAN CHAUDHARY)
JUDGE

13.08.2024

Hemant

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