



LPA No.1433 of 2024

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

LPA No.1433 of 2024(O&M)

Decided on :02.08.2024

Balbir Singh

.....Appellant

VERSUS

Union of India and Ors.

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. Dinesh Kumar, Advocate
for the appellant.

LISA GILL, J (ORAL)

1 Prayer in this appeal is for setting aside order dated 20.04.2024 passed by learned Single Bench whereby CWP No.8702 of 2024 has been dismissed.

2 Prayer in the writ petition was for directing respondents to revise appellant's pay scale as per the chart duly verified and approved by Competent Authority vide order dated 14.06.2018 and re-fix his pension accordingly.

3 Appellant who joined as Junior Engineer in Chambal Project, Kota, Rajasthan was promoted as Assistant Engineer on ad-hoc basis on 22.07.1958 and on permanent basis w.e.f. 19.11.1958. Admittedly, thereafter he joined BBMB on deputation. He was not repatriated to his parent cadre, though at a later stage, BBMB repatriated him and he jointed his Parent Department before his retirement. Appellant was superannuated from his parent department on 30.06.1992. OA No.1051 CH of 1991 was filed by the appellant before learned Central Administrative Tribunal



Chandigarh Bench, Chandigarh (for short ‘Tribunal’), *inter alia* seeking protection/re-fixation of his basic substantive pay from 04.06.1964 to 12.10.1969 and 01.09.1976 to 16.06.1985. Appellant also sought protection of pay as Superintendent Engineer in BCB/BBMB w.e.f.29.12.1975 to 16.06.1985 besides benefit of promotion under next below rule from 13.10.1969 to 16.12.1969. This application was dismissed by learned Tribunal vide order dated 11.03.2004 (Annexure P-5) being barred by limitation. No challenge was laid by appellant to this decision dated 11.03.2004. After long years CWP No. 8702 of 2024 was filed primarily seeking the same relief on the premise that necessary action should be carried out on the basis of order dated 14.06.2013.

4 Having heard learned counsel for appellant, we do not find any ground to interfere in this appeal for setting aside order dated 20.04.2024 which has been correctly passed by learned Single Bench while observing that there is no explanation whatsoever for non-assailing of order dated 11.03.2020 passed by learned Tribunal Chandigarh and filing the writ petition claiming the same relief after 20 years from dismissal thereof.

5 Though learned counsel for appellant has vehemently argued that it is a recurring cause of action which arises to the petitioner therefore, this appeal should be allowed, we do not find any merit in this argument which is rejected. No other argument has been raised.

6 Keeping in view the facts and circumstances as above, appeal is dismissed with no order as to costs.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

02.08.2024
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No