

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(113)

LPA-1010-2023 (O&M)

Decided on : 13.02.2024

Prem Lata Kakkar

.....Appellant(s)

Versus

State of Punjab & others

.....Respondent(s)

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

Present:- Mr.Peeush Gagneja, Advocate for the appellant.

Mr.Saurabh Khurana, Addl.A.G., Punjab.

G.S. Sandhawalia, Acting Chief Justice (Oral)

1. Consideration in the present appeal is to the order dated 25.04.2023 passed by the Learned Single Judge in CWP-8541-2023 on the ground of delay and laches.
2. The said writ petition had been preferred by the wife of the deceased employee who had expired on 26.07.2012 and having retired from service on 31.01.2011. Learned Single Judge had recorded that the husband never approached the Court and the wife is approaching after 11 years. The claim of the wife of the deceased employee was regarding parity of pay from the date when her husband was entitled was declined which had been made after more than 17 years. It is settled principle that the exercise of the extraordinary writ jurisdiction is circumscribed by certain rights. Even a Civil Suit would be liable to be dismissed outrightly keeping in view the provisions of the Limitation Act. Therefore, only on the strength of some positive reference made and communication regarding wrong fixation of salary in the year 2019 would not give a cause of action to the family members to take up an issue

which was personal to the employee though they might be beneficiaries. A perusal of the record would also go on to show that a comparison was made with one Baldev Singh whose record is not traceable also after such a long period.

3. In such circumstances, we are of the considered opinion that dismissal of the writ petition by the Learned Single Judge does not suffer from any infirmity which would warrant interference. Resultantly, the present appeal is hereby dismissed. All pending CM application(s) also stand disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

February 13th, 2024
Sailesh

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No