



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(120)

CWP No. 16591 of 2024

Date of Decision : 19.07.2024

Makhan Singh

...Petitioner

Versus

Baba Farid University of Health Sciences, Faridkot and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surinder Garg, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

In the present petition, the grievance being raised by the petitioner is that petitioner was entitled to continue in service upto 30.09.2021 keeping in view the fact that the petitioner was entitled for extension in service but, the petitioner was not given extension and he retired on 30.09.2019.

Learned counsel for the petitioner submits that it should be deemed that the petitioner remained in service upto the age of 60 years and should be paid salary by a deemed fiction that the petitioner had discharged the duties for the post in question. Learned counsel for the petitioner submits that in case, the petitioner would have been allowed to continue in service, he would have got higher pay, hence, his retiral



emoluments would have been more as compared to the one given to the petitioner at the time of retirement on 30.09.2019.

I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

It is a conceded position that the petitioner retired on 30.09.2019. The present petition is being filed after a period of five years. In case, the petitioner had any grievance at the time of retirement, he should have agitated at the relevant time. As of now, even the civil suit cannot be filed qua the grievance raised in the present petition. Once, the petitioner chose not to raise a grievance immediately when the cause of action accrued, now the prayer of the petitioner that he should be deemed to have continue in service and should have deemed to have discharge the duties so as to get the salary for a period of two years as well as higher pensionary benefits cannot be accepted, especially when the maintainability of the writ petition at this belated stage has not been established.

Keeping in view the above, no ground is made out for any interference with the present petition at this stage.

Dismissed.

July 19, 2024
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No