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

(111)

CWP-28458-2024

Date of Decision : October 22, 2024

Ashwani Kumar

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhishek Khullar, Advocate, for the petitioner.

Ms. Shruti, AAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance being raised by the petitioner is that he was not granted the benefit of ACP on completion of 18 years service and 24 years of service, which is arbitrary and illegal and the petitioner was entitled for the grant of the same while in service.

2. Learned counsel for the petitioner submits that non-grant of the benefit to the petitioner is causing prejudice to him hence, the respondents are under an obligation to grant the petitioner the service benefit which he was entitled for on completion of 18 and 24 years of service.

3. Keeping in view the service of advance copy of petition, Ms. Shruti, learned Assistant Advocate General, Punjab, has appeared and submits that the petitioner retired from service 17 years ago in the year 2007

and he is raising the grievance of non-grant of service benefit in the year

2024, which is not at all maintainable.

4. Learned State counsel further submits that the benefit which is being claimed by the petitioner is liable to be rejected on the ground of delay itself.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. In the present writ petition, the petitioner retired on attaining the age of superannuation in the year 2007. That had the petitioner not been granted any service benefit, it was incumbent upon the petitioner to approach the authorities concerned or the competent Court of law within a specific time frame in case the authorities are not agreeing to grant the benefit which the petitioner think he is entitled for. After a period of 17 years of retirement, the writ petition cannot be filed claiming the service benefits.

7. Even otherwise, the respondents have mentioned that petitioner retired 17 years ago and as of now, even the service record pertaining to the petitioner has been destroyed. That being so, the petitioner cannot be allowed to agitate his claim for the grant of service benefits after retirement and that too when 17 years have passed after the retirement.

8. As per the settled principle of law settled by the Coordinate Bench of this Court in ***CWP No. 28508 of 2013 titled as Suraj Mal vs. The State of Haryana and others, decided on 29.09.2014***, the delay in approaching the Court is to be treated fatal in case there is no valid justification. Relevant paragraph of the said judgment is as under:-

“In Bal Krishan v. State of Punjab and others, 2013(2) RSJ 18, wherein the petitioner, after rendering about 34 years



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of service, sought refixation of his pay from the date he joined service by filing a petition more than three years after his retirement. This court dismissed the writ petition on account of delay and laches only.

In view of the above authoritative enunciation of law by Hon'ble the Supreme Court and this Court, the present writ petition filed by the petitioner nearly after 9 years of his retirement to claim certain benefits, which may be due to him while in service, certainly deserves to be dismissed on account of delay and laches as there is no satisfactory explanation available for delay.”

9. In the present case, no valid justification has come from the petitioner for not availing his rights at the time when the petitioner felt prejudice of non-grant of ACP on account of completion of 18 and 24 years of service, which is a service benefit to an employee while in service. Petitioner kept sleeping upon his rights even after 17 years of his retirement and he cannot agitate the same now.

10. No ground is made out for any interference at this stage in the facts and circumstances of the present case.

11. Accordingly, the writ petition is dismissed.

October 22, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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