

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

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CWP-7319-2017 (O&M)

Date of Decision :01.04.2024

Kishan Lal Saini**...Petitioner**

Versus

State of Haryana and others**....Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Lajpat Sharma, Advocate for
Mr. Vivek Khatri, Advocate for the petitioner.

Mr. Sandeep Singh Mann, Addl. A.G. Haryana.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, prayer of the petitioner is for quashing of orders dated 23.01.2017 (Annexure P/4) as well as dated 27.01.2017 (Annexure P/5) by which, claim of the petitioner for the grant of benefit of ACP has been rejected by the respondents.

2. At the outset, learned counsel for the respondents submits that the present petition has been filed after a period of 11 years of the retirement of the petitioner and that too with regard to the claim, which is more than 25 years old. Learned counsel for the respondents further submits that after 11 years of the retirement, no claim for the grant of service benefit be allowed and the present writ petition is liable to be dismissed on the ground of delay and latches.

3. I have heard learned counsel for the parties and have gone

through the record with their able assistance.

4 From the facts which have been mentioned in the present petition, petitioner is claiming benefit of 1st and 2nd ACP. Benefit of 1st ACP was made operational w.e.f. 01.01.1996 but the petitioner never raised any grievance with regard to the grant of the said benefit while in service. Petitioner retired from service in the year 2000 and after 11 years of his retirement, he has filed a writ petition initially claiming the benefit of 2nd ACP. Though, not raised in the petition but at the time of hearing another argument has been raised that even benefit of 1st ACP for which, the petitioner was entitled from 01.01.1996 was not granted to him.

5. The question which arises for determination before this Court is that as to whether the service benefits can be claimed by filing a writ petition after a period of 11 years of retirement or whether such claim can be entertained by the Court or not.

6. The question of law on the said aspect has already been settled by this Court in **CWP-28508-2013 titled as Suraj mal vs. State of Haryana and others decided on 29.09.2014**, wherein, it has been held that no claim for the grant of service benefit can be raised after the retirement. Nothing has been explained as to why, from the year 1996 i.e. for a period of more than 25 years the petitioner remained silent. In the absence of any claim raised during the service career of the petitioner, present petition which has been filed after 11 years of retirement of the petitioner cannot be entertained on the ground of delay and latches.

7. The view being taken by this Court is supported by the judgment in **Suraj Mal (supra)**, according to which, no prayer for the grant of service benefit can be entertained beyond the period of 03 years of

retirement. Claim of the petitioner in the present petition has been raised after 11 years of retirement and after a period of 25 years after the cause of action arose hence, the same cannot be accepted.

8. Keeping in view the facts and circumstances recorded hereinbefore, no ground for interference by this Court is made out and the present petition is accordingly dismissed.

9. Civil miscellaneous application pending, if any is disposed of.

April 01, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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