

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

2024:PHHC:063908-DB



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LPA Nos. 334, 341 and 361 of 2024 (O & M)
Date of Decision: 08.05.2024

Harinder Singh Bhullar

.....Appellant(s)

Versus

Punjab Agricultural University

.....Respondent(s)

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

Present: Mr. Gurcharan Dass, Advocate,
for the appellant.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

Delay Applications

1. Applications for condonation of delay of 87-98 days in filing the appeals are allowed, in view of averments made in the applications duly supported by affidavits.
2. Delay condoned.
3. CMs stand disposed of.

Main Cases

4. The present order shall dispose of three letters patent appeals i.e. LPA Nos. 334, 341 and 361 of 2024 since the same arise out of similar orders passed by the learned Single Judge in CWP Nos.16245, 16241 and 16256 of 2023, respectively, decided on 31.07.2023. The appellants had also filed an application for recalling of the order dated 31.07.2023, which was also dismissed by the learned Single Judge on 10.10.2023.
5. The learned Single Judge chose not to entertain the writ petitions on

the ground that the petition suffers from gross laches and delay. Reliance was placed upon the judgment of the Apex Court in *PEPSU Road Transport Corporation, Patiala through its Managing Director and another vs. S.K. Sharma and others*, (2016) 9 SCC 206; *Swamy Vivekanandha College of Arts and Science vs. The Member Secretary, Town and Country Planning, Thanjavur Local Planning Authority*, 2014 SCC Online Mad 6499 and *Virender Chaudhary vs. Bharat Petroleum Corporation*, (2009) 1 SCC 297 while noticing that the claim was for selection grade w.e.f. 20.03.1987, 20.09.1987 and 25.11.1987 in all the three cases respectively, instead of 01.04.1996. The factum that the appellants had already retired on attaining the age of superannuation in the years 2004 and 2006 was kept in mind while coming to the conclusion that there should be a reasonable period of limitation for upto 3 years even if a suit is to be filed.

6. Counsel for the appellants has tried to convince us that the matter was pending before the authorities while referring to communication dated 21.09.2016 (Annexure P-13) addressed to the appellants that they could make themselves available for interaction with the Assessment Committee. A perusal of the application for recall i.e. CM-17304-CWP-2023 in CWP-16265-2023 would go on to show that the communication of the year 2016 was sought to be placed on record thereafter and was never appended with the original writ petition. The writ petition is based apparently on memo dated 26.08.2004 (Annexure P-11) which would go on to show that they are proceedings of 145th meeting of the Dean's Committee.

7. Apparently, as noticed, the superannuation was in the years 2004 and 2006. Immediately thereafter also, no action was taken by the present appellants to pursue their claim by way of initiating any litigation. Having slept over their matter, apparently they gave up their rights. Merely because they were called in

the year 2016 as such would not give a fresh cause of action to them to ask for the benefits of selection grade from an earlier date having long retired and filing the writ petition after 20/18 years of retirement.

8. In such circumstances, we are of the consideration that law of limitation, though might operate harshly, but indulgence cannot be granted to indolent litigants. The learned Single Judge, thus, committed no error while declining to exercise his extra ordinary writ jurisdiction.

9. Accordingly, the present appeals stand dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

08.05.2024
shivani

(LAPITA BANERJI)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No