



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

(207)

CWP-19941-2019

Date of Decision:-16.10.2025

Arun Bansal and Another

.....Petitioners

Versus

Union of India and Others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL**

Present: Mr. Arun Bansal, petitioner No.1 in person (through VC).

Mr. Ravi Sodhi, Senior Panel Counsel, and
Mr. Umesh Pandey, Advocate,
for respondent No.1-UOI.

Mr. Harsh Aggarwal, Advocate, and
Mr. Lakshay Aggarwal, Advocate,
for respondents No.2 & 3.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 23.01.2019 (*Annexure P-1*) passed by the Central Administrative Tribunal (in short, 'the Tribunal') by which, the claim of the petitioners for grant of the senior scale (assured career progression) on account of the service rendered for a period of 13 years, 11 months and 26 days by the father of the petitioners, has been rejected on the ground of delay.

2. The petitioner No.1 who appears in person submits that the father of the petitioner/applicant had served for 13 years 11 months 26 days and therefore he was entitled for the grant of benefit of senior scale (ACP) on completion of 12 years in service, which benefit was not granted to him,



and it is the petitioners' prayer that the said benefit should be granted to the deceased father of the petitioner so as to fix the last paid drawn by the deceased father so as to calculate the pensionary benefits admissible to him. The petitioners submits that non-grant of service benefit which is admissible to a beneficiary, the same is a recurring cause of action and therefore, the claim raised by the petitioners even though after a delay, should not have been dismissed on the ground of delay alone.

3. The learned counsel appearing on behalf of the respondent submits that the entitled benefits which were extended to the family of petitioners after the death of the Mr. Raj Kumar Bansal i.e. the father of petitioners in the year 1993, the same were accepted by the wife of the deceased employee and after the death of wife, the same was granted to the eligible children and therefore, raising a claim at this stage that the benefit of ACP scale was not given to him upon completion of 12 years in service in the year 1990 cannot be entertained especially when the claim which is being raised for the year 1990 when the official/father of petitioners himself was alive and no such claim was even raised by the employee concerned. Learned counsel for the respondent submits that the denying of the said benefit to the petitioners on the ground of delay is perfectly valid and legal and the writ petition may kindly be dismissed.

4. We have heard the applicant-petitioner Arun Bansal as well as the learned counsel for the respondent and have gone through the record with their able assistance.

5. Under Section 21 of the Administrative Tribunal Act, 1985, there is a prescribed period of limitation which has been provided under which prescribed period a claim either by the employee or on his behalf as



the case may be, may be raised. The prescribed period of limitation which has been provided under the 1985 Act stipulates that the grievance has to be raised within a period of one year from the cause of action. In the present case, the alleged cause of action has been detailed by the petitioners as 1st of April, 1990. Hence, as per said prescribed period of limitation, by 31st of March, 1991, the said grievance should have been raised either by the employee concerned who is serving or in case the said officer has unfortunately died, on his behalf by the legal heirs. Further, in case no order denying a benefit upon appeal preferred or representation made is passed, then to be taken as one year and six months from the date of the cause of action.

6. In the present case, both the prescribed periods of limitation had expired during the service career of the employee concerned as, the employee unfortunately died on 29.05.1993 which was beyond the period of 1 year and 6 months from the date of cause of action arose. That being so, once the filing of a claim which was raised by the petitioners before the Tribunal was time barred even upto the death of the officer concerned as per Section 21 of the Administrative Tribunal Act 1985, filing an original application after a period of 26 years, has rightly been dismissed as not maintainable by the Tribunal.

7. The petitioners argues that the non-grant of the benefit of ACP is a recurring cause of action, hence, the question of limitation does not arise. Qua said aspect it may be noticed that no service benefit to which one may be entitled is to be treated as a recurring cause of action, once limitation period has been prescribed, except the grant of pension, once



employee concerned had unfortunately died, even if it assumed that the said cause of action was a recurring one, then also, after his death the legal heirs should have raised the claim within the permissible limitation period of one year or one and half year as the case may be but still no grievance was raised qua the same especially when it is a conceded position that qua the release of certain benefits after the death of the father of the petitioner, more than three original applications were filed but no such grievance was raised qua the non-grant of the ACP scale to father of petitioners.

8. Further, only the grant of the pensionary benefits is to be treated as a recurring cause of action so as to nullify limitation period prescribed and in the present case initially after the death of the employee concerned the mother of petitioners was granted the benefit of family pension which she continued to enjoy till the year 2004 after which the original children were granted the benefit of family pension which was being taken by the petitioner-Arun Bansal initially and now his brother is availing benefit of the same. The grievance in the present petition is qua the service benefits of ACP admissible to father of the petitioners which was no doubt time barred up to the year 2019 and the same has rightly been rejected by the Tribunal.

9. The petitioners, further submits that qua some of the benefits, which benefits were also claimed at a later stage, the delay in raising claim qua said benefits was condoned and therefore, the delay in the present claim should have also been condoned. It may be noticed that once the opportunity to claim for the grant of the benefit of ACP was available to be raised by the petitioners when the earlier three OAs were filed for claiming



one benefit or the other, no such claim was raised by the petitioners in those Original Applications qua grant of ACP hence it cannot be said that at every given point of time whenever the petitioners chooses to raise a claim, they are entitled for the grant of benefit of condonation of delay. The petitioners cannot be allowed to claim the benefit of condonation of delay qua the separate claims which were raised at different point of time.

10. Even otherwise a bare perusal of the impugned order would show that the petitioners had at an earlier point of time filed an OA bearing No.537 of 2015, raising the same claim; qua which the Tribunal vide order dated 13.01.2016 dismissed the said of OA filed on the ground of delay as well as merits.

11. Hence, keeping in view the aforementioned discussion and in the absence of any perversity being pointed out in the impugned order dated 23.01.2019 (*Annexure P-1*) either on the basis of the facts or the settled principle of law, no ground is made out for any interference by this Court in the facts and circumstances of the present case and the writ petition is accordingly dismissed.

12. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(AMARINDER SINGH GREWAL)
JUDGE

16.10.2025
Shubham

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No