

2025.PHHC:125501



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

SR. NO.108

**CWP-17067-2025 (O&M)
DATE OF DECISION:11.09.2025**

BALBIR KAUR

...PETITIONER(S)

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mrs. Rana Ghuman, Advocate
for the petitioner.

N.S. SHEKHAWAT, J.

1. The petitioner has filed the present petition under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned order dated 09.01.2025 (Annexure P-10), whereby the claim of the petitioner for grant of higher pay-scale w.e.f. 06.09.2002 to 28.02.2003 has been rejected on the principle of delay and latches.

2. Learned counsel for the petitioner submits that the petitioner was appointed as a Lecturer by the respondent-department. However, during the period from 06.09.2022 to 28.02.2003, the petitioner was given the charge of DDO-cum-Principal, and she retired on 28.02.2003. Even though she was holding higher responsibilities of greater importance, she was paid only the salary of a Lecturer. Consequently, she made a representation dated 08.07.2024 (Annexure P-7) seeking higher grade/increment on account of performing the duties of DDO-cum-Principal of the school. She also served

a legal notice dated 08.08.2024 (Annexure P-8) upon the respondents, but the benefit was not extended. When no action was taken by the respondent authorities, the petitioner approached this Court by filing CWP No.22759-2024 titled as 'Balbir Kaur Vs State of Punjab and others' and this Court vide order dated 26.09.2024 (Annexure P-9) directed the respondents to decide her legal notice (Annexure P-8) within a period of eight weeks from the date of receipt of a certified copy of order. In compliance with the order (Annexure P-9), the impugned order (Annexure P-10) was passed by the respondents. Learned counsel also submits that though the similar relief has been granted to similarly situated employees, but the case of the petitioner has been wrongly rejected by the respondents.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by the petitioners on the ground that the petitioner had worked w.e.f. 06.09.2002 to 28.02.2003 on the post of Principal of the school and she had retired on 28.02.2003 on attaining the age of superannuation. However, for a period of almost 21 years, she did not raise any grievance and as per her own admitted averments, she had submitted a representation for the first time on 08.07.2024. Consequently, the claim of the petitioner is liable to be rejected on the ground of delay and laches and the impugned order has been rightly passed by the respondents.

4. I have heard the learned counsel for the parties and perused the case file.

5. While rejecting the claim of the petitioner, respondent No.2 has made following observations in the impugned order (Annexure P-10):-

“2.0 That the brief facts of the case (as per record) that the petitioner had worked as Lecturer in Department of School

Education and got Retired on 28.02.2003. But before the due date of her retirement department ordered and gave D.D.O charge of the post of Principal from 06.09.2002 to 28.02.2003 while she was working as a lecturer. During the said period the petitioner never raised any such claim. Hence same is suffered from Principal of delay and latches.

3.0 That in another similar kind of case this principle has been upheld by this Hon'ble Court in CWP No. 28989 of 2018- Sarika Vs State of Punjab and others, the relevant extract of the same is reproduced here as under:-

"State of Uttar Pradesh & Others Vs. Arvind Kumar Srivastava & Others 2015 (1) SCC 347, whereby the Hon'ble Supreme Court has held that such kind of petitioners, as the instant one, are not entitled for any benefit from the Court by seeking parity with similarly situated candidates, as they are fence sitters who waited for some other persons to fight their proxy litigation and once the said persons were able to secure some relief, claimed benefit on ground of being similarly situated. The Hon'ble Supreme Court has clearly held that such persons are not entitled for any benefit, as their petition is hit by delay and latches.

4.0 In due compliance of the aforesaid directions and in order to decide claim of the petitioners in its right perspective, the undersigned has carefully gone through the contents of the case/legal notice dated 08.08.2024(Annexure P-8) and as per settled law by the Hon'ble Supreme Court in above mentioned case the claim of the petitioner is rejected on the Principle of Delay and Latches as the petitioner miserably failed to raise his claim within the stipulated period i.e .after 21 years of her retirement."

6. I have carefully perused the reasoning given by respondent No.2. There is no dispute that the petitioner had worked on the post of DDO-

cum-Principal of the school from 06.09.2002 to 28.02.2003 and she retired on the same post on 28.02.2003. The petitioner chose not to make any representation for almost 21 years, and her first representation in this regard was submitted only on 08.07.2024. Similarly, other employees, who were similarly placed had moved their representations several years ago, and their claims were allowed in the years 2012–2013. Consequently, the petitioner cannot take advantage of such orders, which were passed several years earlier. Thus, the relief claimed by the petitioner in the present writ petition is barred by delay and laches.

7. In view of above discussion, the present writ petition stands dismissed, being devoid of any merits. Pending application(s), if any, also stands disposed of, accordingly.

11.09.2025
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO