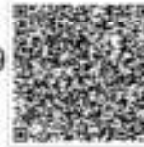


2025:PHHC:128579



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

SR. NO.142

CWP-27146-2025

DATE OF DECISION:11.09.2025

RAM LOK CHAUDHARY

...PETITIONER(S)

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENT(S)

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

Present: Mr. Kshitiz Goel, Advocate
for the petitioner.

Mr. Surya Kumar, AAG, Punjab.

N.S. SHEKHAWAT, J.

1. The petitioner has filed the present petition before this Court with a prayer to issue a writ in the nature of certiorari for quashing the impugned orders dated 14.05.2024 and 14.11.2024, (Annexures P-5 and P-8, respectively), whereby the claim of the petitioner to grant proficiency step-up after completion of 16 years of service with effect from 27.06.2000 along with revision of his pension at the time of retirement, was illegally rejected.

2. A further prayer has been made to issue a writ in the nature of mandamus, directing the respondent-University to grant Career Progression-Class-II status, designation and scale of Assistant Engineer (A.E.) to the

petitioner on completion of 16 years of his service with effect from 27.06.2000, in view of the Punjab Government instructions/letter issued by the Additional Secretary, Department of Personnel, Chandigarh vide Endst.7/56/990SPPI/B014-16 dated 27.06.2000 (Annexure P-1).

3. Learned counsel for the petitioner contended that the petitioner had joined the Punjab Agricultural University, Ludhiana on 14.08.1972 as a Section Officer and after completion of probation period on 01.06.1978, his services were confirmed. At that time, the said post was considered at par with Junior Engineer (J.E.) and after serving the University for 32 years, he retired on 30.04.2004 on attaining the age of superannuation. Learned counsel further submitted that as per the Punjab Government instructions/letter issued by the Additional Secretary, Department of Personnel, Chandigarh vide Endst.7/56/990SPPI/B014-16 dated 27.06.2000 (Annexure P-1) regarding removal of anomalies in the pay scale of Junior Engineers and grant of Career Progression Class-2 status and designation as as Assistant Engineer to J.E., the scale of Rs.7220-11320/- was to be given after completion of 16 years of service at the same post with Class-II gazetted status and designation of Assistant Engineer (A.E.).

The petitioner was also entitled to the said scale and designation with effect from 27.06.2000 till the date of his retirement, i.e. 30.04.2004 and thereafter he was entitled to pension as per last paid salary.

4. Learned counsel next submitted that the petitioner has not been granted Career Progression, Class-II status, despite completion of 16 years of service and has not been provided the revised pay scale and designation of Assistant Engineer w.e.f. 27.06.2000. However, the said benefit has been

allowed to several other employees who were junior to him. The petitioner approached the respondents and submitted a representation dated 19.08.2017 and respondent No.3 had written a letter to respondent No.4 for providing the said benefits, but the petitioner did not get any response. Ultimately the petitioner approached respondent No.5, but vide impugned order dated 14.05.2024 (Annexure P-5), respondent No.5 rejected the claim of the petitioner. The petitioner again submitted a representation on 10.06.20024, but no action was taken on the same. The petitioner ultimately served a legal notice (Annexure P-7) on the respondents, but again respondent No.5 rejected the claim of the petitioner by passing the order/reply (Annexure P-8). Learned counsel next submitted that again by referring to Chapter VI, Clause 23(8) of the Act and Statues of Punjab Agricultural University Ludhiana, it was stated that the representation had been received after 20 years of his retirement and therefore, the petitioner is not entitled to the relief claimed. Learned counsel next submitted that the similar benefits have already been provided to the employees, juniors to him and even the petitioner is liable to be considered on parity. Thus, the impugned order is violative of Article 14 and 16 of the Constitution of India and are liable to be quashed by this Court.

5. I have heard the learned counsel for the petitioner and perused the case file minutely.

6. While rejecting the claim of the petitioner, respondent No.5 has made following observations in the impugned order dated 14.05.2024 (Annexure P-5):-

“An employee who has retired from the University service on superannuation, voluntary retirement, retired on the ground of compensation pension, invalid pension, resigned, dismissed or terminated, may submit his/her representation concerning service conditions/matters within four years of his/her retirement/resignation/dismissal/termination.”

As per the above, a retired employee from the University can make representation regarding his/her service only within 4 years from the date of retirement. Therefore, your representation is not admissible.”

7. I have heard learned counsel for the petitioner at length and carefully gone through the case file.

8. The question is whether the petitioner, after a lapse of nearly 20 years from the date of retirement, i.e. 30.04.2004, can still claim the benefit of Career Progression Class-II status and revised pay scale w.e.f. 27.06.2000, with consequential revision of pension.

9. From the perusal of the case file, the petitioner joined Punjab Agricultural University as Section Officer on 14.08.1972 and later on the said post was considered at par with Junior Engineer (J.E.). He retired on 30.04.2004 after completion of 32 years of service. In the instant petition, the petitioner claimed that under Punjab Government instructions dated 27.06.2000, employees completing 16 years of service as J.E. were entitled to Career Progression Class-II status and designation/pay scale of Assistant Engineer, which was denied to him.

10. It is not in dispute that the petitioner submitted his first representation on 19.08.2017 i.e., after 13 years of retirement and thereafter

pursued the matter upto 2024. However, there is no explanation for such an inordinate delay. Anyone who claims rights must be vigilant and he must enforce his rights within a reasonable time. Thus, it can be safely held that respondent No.5 rightly relied upon the service regulations which clearly provide that a retired employee may raise his/her claim or grievance within four years of retirement. However, in the present case, the petitioner has raised his grievance after a period of 13 years of his retirement by submitting the representation on 19.08.2017.

11. The similar controversy has been considered by Hon'ble the Supreme Court in ***Mrinmoy Maith v. Chhanda Koley and others, 2024 SCC Online SC 551***. The relevant extracts of the judgment are reproduced as below:-

“9. Having heard rival contentions raised and on perusal of the facts obtained in the present case, we are of the considered view that writ petitioner ought to have been non-suited or in other words writ petition ought to have been dismissed on the ground of delay and laches itself. An applicant who approaches the court belatedly or in other words sleeps over his rights for a considerable period of time, wakes up from his deep slumber ought not to be granted the extraordinary relief by the writ courts. This Court time and again has held that delay defeats equity. Delay or laches is one of the factors which should be born in mind by the High Court while exercising discretionary powers under Article 226 of the Constitution of India. In a given case, the High Court may refuse to invoke its extraordinary powers if laxity on the part of the applicant to assert his right has allowed the cause of action to drift away and attempts are made subsequently to rekindle the lapsed cause of action.

10. *The discretion to be exercised would be with care and caution. If the delay which has occasioned in approaching the writ court is explained which would appeal to the conscience of the court, in such circumstances it cannot be gainsaid by the contesting party that for all times to come the delay is not to be condoned. There may be myriad circumstances which gives rise to the invoking of the extraordinary jurisdiction and it all depends on facts and circumstances of each case, same cannot be described in a straight jacket formula with mathematical precision. The ultimate discretion to be exercised by the writ court depends upon the facts that it has to travel or the terrain in which the facts have travelled.*

11. *For filling of a writ petition, there is no doubt that no fixed period of limitation is prescribed. However, when the extraordinary jurisdiction of the writ court is invoked, it has to be seen as to whether within a reasonable time same has been invoked and even submitting of memorials would not revive the dead cause of action or resurrect the cause of action which has had a natural death. In such circumstances on the ground of delay and laches alone, the appeal ought to be dismissed or the applicant ought to be non-suited. If it is found that the writ petitioner is guilty of delay and laches, the High Court ought to dismiss the petition on that sole ground itself, in as much as the writ courts are not to indulge in permitting such indolent litigant to take advantage of his own wrong. It is true that there cannot be any waiver of fundamental right but while exercising discretionary jurisdiction under Article 226, the High Court will have to necessarily take into consideration the delay and laches on the part of the applicant in approaching a writ court.”*

12. Applying the above observations, this Court is of the considered view that the respondent-University was justified in rejecting the claim

being hopelessly time-barred and thus, it can be safely held that relief claimed by the petitioner in the present writ petition is barred by delay and laches.

13. In view of the facts and circumstances of the case noted above as well as the observations made by Hon'ble the Supreme Court in the matter of Mrinmoy Maith (supra), the present petition stands dismissed, being the same badly hit by doctrine of delay and laches. Pending application(s), if any, shall also stands disposed off, accordingly.

(N.S. SHEKHAWAT)
JUDGE

11.09.2025
mks

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