



CWP-35191-2024 (O&M)

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

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CWP-35191-2024 (O&M)
Date of decision: 07.01.2025

Daljit Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Vikas K. Gupta, Advocate for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. The petitioner, who was appointed as SS Mistress on 01.06.1966 in a government aided school, was thereafter selected and as such joined Government Middle School, Pandori Atwal, Hoshiarpur on 12.03.1980, wherefrom, she retired on 31.03.2000, claims counting of the past service towards fixation of pay in terms of Rule 4.4 of Punjab Civil Services Rules and judgment squarely covering her case, **Sunil Kumar Sharma and others vs. State of Punjab and others**, CWP-4629-2012 and connected cases, decided on 19.02.2018, the LPA-1853-2018 against which was dismissed on 16.09.2022 and so was the SLP on 13.04.2023. Based on the above, a number of similarly circumstanced employees have been granted the benefit, vide order dated 09.10.2024, Annexure P-9, as sought herein, which the learned State counsel was unable to refute.

2. The applicability of the aforesaid judgment though has not been disputed in the speaking order, however, the solitary premise taken to decline



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the claim is the delay in approaching the Department, with regard to which, learned counsel for the petitioner on instructions states that the arrears may be restricted.

3. In **Saroj Kumari vs. State of Punjab**¹ a judgment passed by the Full Bench of this Court, it was held that in case fixation of pay according the relevant rules/instructions or a judgment is prayed for, the writ petition cannot be dismissed at the threshold on the ground of delay and laches but the payment of arrears can be restricted to three years and two months, the period for which a person can ask for the payment of arrears before a Civil Court.

4. The present petition is disposed of in terms of judgment in the case of **Sunil Kumar Sharma and others** (supra), however upon refixation of pay, the arrears of the retiral benefits shall be confined to 38 months prior to the filing of the writ petition.

(AMAN CHAUDHARY)
JUDGE

07.01.2025

ashok

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

¹ (1998) 120 PLR 123