



**103+220 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-1814-2021 (O&M)
Date of decision: 14.01.2026**

**SURINDER PARKASH BANSAL AND ORSPetitioners
Versus
PUNJAB STATE POWER CORPORATION LTD. AND ORS
....Respondents**

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ranjivan Singh, Advocate with
Mr. Risham Raag Singh, Advocate
for the applicants-petitioners.

Mr. Naveen S. Bhardwaj, Advocate with
Mr. Akash Yadav, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (Oral):

CM-18957-CWP-2025

This is an application for placing on record the affidavit dated
12.12.2025 in compliance of the order dated 04.09.2025.

For the reasons mentioned in the application, same is allowed,
as prayed for, subject to all just exception. Affidavit dated 12.12.2025 is
taken on record.

Registry is directed to do the needful.

CM-312-CWP-2026

This is an application for placing on record counter affidavit
dated 27.12.2025 of the petitioner No.1.

For the reasons mentioned in the application, same is allowed,
as prayed for, subject to all just exceptions. Affidavit dated 27.12.2025 is



taken on record.

Registry is directed to do the needful.

CM-313-CWP-2026

This is an application for substituting/placing on record the correct translated version of Annexure P-5.

For the reasons mentioned in the application, same is allowed, as prayed for, subject to all just exceptions. The correct translated version of Annexure P-5 is taken on record.

Registry is directed to do the needful.

Main case

1. The instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ of *Certiorari* quashing Memo No.20450 dated 04.09.2020 (Annexure P-14), whereby the benefit of Finance Circular No.23/19 dated 11.12.2019 (Annexure P-9) and Finance Circular No.16/18 dated 16.08.2018 (Annexure P-8) has been denied to the petitioners in an illegal, arbitrary and discriminatory manner and against the ratio of the law laid down by this Court vide judgment dated 30.09.2016 (Annexure P-7) in CWP-2866-2014 tilted as “**Karanvir Singh and others Vs. State of Punjab and others.**” It is further prayed that a writ of *Mandamus* be issued directing the respondents to grant the benefit of the aforesaid circulars by way of recomputing the retiral/pensionary benefits of the petitioners w.e.f 01.12.2011 in terms of the ratio as law laid down by this Court in *Karanvir Singh (supra)* alongwith consequential benefits and interest @ 18% p.a. It is also prayed that the petitioners be permitted to file the legible photo copies and be



exempted from filing the certified copies of Annexure P-1 to Annexure P-4 as the same are not readily available with the petitioners.

2. Learned counsel for the petitioners *inter alia* contends that the petitioners were initially appointed as Junior Engineers (JEs) in the erstwhile Punjab State Electricity Board (PSEB) from 1970 onwards. They were inducted into the JE cadre in 1993 and were granted Time Bound Promotional Scales (TBPS) w.e.f. 01.01.1986. During service, they were promoted to the posts of AAE/AE/AEE and retired between 01.01.2006 and 01.12.2011. The Government of Punjab revised pay scales w.e.f. 01.01.2006 vide Notification dated 27.05.2009, which was adopted by PSPCL on 15.10.2009. Further revision w.e.f. 01.12.2011 was made vide Notification dated 01.12.2011 (Annexure P-2).

3. Thereafter, Finance Circular dated 13.10.2014 (Annexure P-3) revised grade pay w.e.f. 01.12.2011 after removing anomalies. Finance Circular dated 14.07.2016 (Annexure P-4) granted 1st and 2nd Time Bound Promotional Scales (hereinafter referred to as 'TBPS') to JEs after 9 and 16 years of service, applicable w.e.f. 01.12.2011. Further, memo dated 08.11.2016 (Annexure P-5) clarified that JEs who had been granted TBPS prior to 01.12.2011 would be entitled to revised scales w.e.f. 01.12.2011.

4. Learned counsel for the petitioners submits that the case is squarely covered by judgment rendered by a coordinate Bench of this Court passed in **Karanvir Singh (supra)** wherein it was held that since the pay anomalies related back to 01.01.2006, pensionary benefits of retirees should be re-fixed w.e.f. 01.12.2011, i.e., from the date when the same was made applicable to serving employees. A similar view was taken in **A.P.**



Sharma & Ors. vs. State of Punjab & Ors. (CWP No. 25733/2012, decided on 22.10.2013, Annexure P-6). It is argued that PSPCL adopted the said judgments vide Finance Circular No. 16/18 dated 16.08.2018 (Annexure P-8) and Finance Circular No. 23/19 dated 11.12.2019 (Annexure P-9), extending benefits to employees who retired between 01.01.2006 and 30.11.2011.

5. The petitioners, being retirees within the said period, sought benefits under the Circulars. However, Memo dated 04.09.2020 (Annexure P-14) denied them the benefit, stating that Circular 23/19 was only for employees whose grade pay was enhanced vide Circular dated 13.10.2014 (Annexure P-3), and not for those granted TBPS under Circular dated 14.07.2016 (Annexure P-4).

6. *Per contra*, learned counsel for respondent-Corporation refers to the Finance Circular No.10/16 issued on 14.07.2016 and submits that the aforesaid circular cannot be implemented in the case of the petitioners as admittedly, on the date of issuance of the said notification, the petitioners were not holding the post of Junior Engineer and all the petitioners had already retired between 01.01.2006 to 01.12.2011. He further refers to the clarification issued on 08.11.2016 (Annexure-P-5) and submits that the circular dated 14.07.2016 (Annexure P-4) is to be implemented prospectively and there shall be no retrospective effect whatsoever and, therefore, there shall be no question of payment of arrears or fixation of pay from any earlier date.

7. It is further submitted that the petitioners are fence-sitters as they have approached this Court in the year 2021 after an unexplained



delay of 10 years. Thus, the writ petition is liable to be dismissed on the ground of delay and laches. The petitioners under the garb of the present writ petition, are seeking revision of their pay scales which is not permissible in the absence of any enabling provisions.

OBSERVATION & ANALYSIS

8. I have heard the learned counsel for the parties and perused the record with their able assistance. It is trite law that the delay in approaching this Court under Article 226 of the Constitution of India may be condoned if sufficient cause is indicated or a reasonable explanation is provided for the same. However, the facts of the matter at hand indicate otherwise. Learned counsel for the petitioners has failed to specify any compelling or extenuating circumstance which prevented them from approaching this Court for such a long time. Reference in this regard may be made to the judgment rendered by a three-Judge Bench of the Hon'ble Supreme Court in *Chairman/Managing Director, U.P. Power Corporation Limited and Others vs. Ram Gopal (2021) 13 SCC 225*, wherein, the following was held:

*“16. **Whilst it is true that limitation does not strictly apply to proceedings under Articles 32 or 226 of the Constitution of India, nevertheless, such rights cannot be enforced after an unreasonable lapse of time.** Consideration of unexplained delays and inordinate laches would always be relevant in writ actions, and writ courts naturally ought to be reluctant in exercising their discretionary jurisdiction to protect those who have slept over wrongs and allowed illegalities to fester. **Fence-sitters cannot be allowed to barge into Courts and cry for their rights at their convenience, and vigilant citizens ought not to be treated alike with mere opportunists.** On multiple occasions, it has been restated that there are implicit limitations of time within which writ remedies can be enforced. In *SS Balu v. State of Kerala*, this Court observed thus:*



“17. It is also well settled principle of law that "delay defeats equity". It is now a trite law that where the writ petitioner approaches the High Court after a long delay, reliefs prayed for may be denied to them on the ground of delay and laches irrespective of the fact that they are similarly situated to the other candidates who obtain the benefit of the judgment.”” (emphasis added)

9. With regards to issues regarding fixation of pay, the position of law has been settled by a two-Judge Bench Hon'ble Supreme Court in ***M.R. Gupta v. Union of India, (1995) 5 SCC 628*** and has been reaffirmed by a full bench decision of this Court in ***Saroj Kumari v. State of Punjab, 1998(3) SCT 664***. Accordingly, so long as an employee *is in service*, a petition claiming re-fixation of pay is not barred by limitation or the doctrine of laches, as the denial of benefit occurs every month when the salary is paid, thereby giving rise to a fresh cause of action, based on continuing wrong. Such a case is not a case of one time action like the case of termination or dismissal from service. However, payment of arrears can be restricted to a reasonable period. Three years and two months has been considered to be a reasonable period as that is the period for which a person can ask for the payment of arrears before a Civil Court. However, once an employee *ceases to be in service*, the wrong fixation of pay can no longer be treated as a continuing wrong. Consequently, a petition seeking such fixation, if instituted after cessation of service and with substantial delay, is liable to be dismissed on the ground of delay and laches. Reliance can be placed on the judgement of the co-ordinate bench of this Court in ***Prem Nath v. State of Punjab, 2018(2) SCT 687***, wherein the petitioners approached this Court seeking correct fixation of pay much subsequent to



their superannuation. While dismissing the petition on the ground of delay and laches, the Court held as follows:

“10. The reliance placed by counsel upon the judgment in Saroj Kumar's case, is wholly misplaced. The observations and aspect of delay in Saroj Kumar's case, were in the light of the judgment of the Supreme Court in M.R. Gupta v. Union of India and others, 1996(1) S.C.T 8 : 1995(4) RSJ 502. In M.R. Gupta's case (supra), it had been categorically held that so long as an employee "is in service" a fresh cause of action arises every month when he is getting his monthly salary on the basis of a wrong calculation made contrary to rules. It was further held that the claim to be awarded the correct salary on the basis of a proper pay fixation "is a right which subsists during the entire tenure of service"

11. In the present case, however, the petitioners choose not to agitate their claim while in service. It is much subsequent to their superannuation that they have woken up and seek to gain impetus from certain decisions that may have been rendered in the case of similarly situated employees.”
(emphasis supplied)

10. Furthermore, in *Suraj Mal v. State of Haryana and others, 2015(1) SCT 31*, a coordinate Bench of this Court, while considering the petitioner's claim for revision of pay, grant of ACP scale, revised pension, and other retiral benefits raised nearly five years after his retirement, rejected the claim on the ground of delay and laches. Moreover, a Division Bench of this Court in *H.S. Gill v. Union of India and others, 2016(2) SCT 477* has held that an employee, who has been receiving the pay scale granted by the employer for the last nine years, cannot claim the revised pay scale after his retirement. The relevant part of the judgement is reproduced as under:

“14. The petitioner is also not entitled to any relief on account of principle of delay and laches. He has been receiving the pay in the pay scale of 76500-10500 right from his transfer to CSIO,



Chandigarh i.e. 2.7.2002. For the first time, he moved the representation on 29.8.2011, so, he kept mum for about 9 years. Thus, the claim of the petitioner is highly belated and stale.”

11. Recently, a two-Judge Bench of the Hon’ble Supreme Court in ***State of Kerala v. Krishnan N.V., Civil Appeal No. 10898 of 2025 (arising out of SLP (C) No. 13637 of 2025, decided on 19.08.2025)***, held that a petition seeking promotional benefits and arrears after a lapse of more than eleven years from the date of retirement is liable to be dismissed on account of inordinate delay in seeking redressal of the grievance. In ***Mrinmoy Maity vs. Chhanda Koley and others 2024 AIR SC 2717***, the Hon’ble Supreme Court has categorically observed that the High Courts must factor in the delay, while exercising its discretionary powers under Article 226 of the Constitution of India. It was further opined that undue and unexplained delay may be reason enough to dismiss a petition as indolent litigants ought not to be encouraged by writ Courts.

12. In ***State of Uttaranchal v. Shiv Charan Singh Bhandari, (2013) 12 SCC 179***, while considering the issue regarding delay and laches and referring to earlier judgments on the issue, a Two-Judge Bench of the Hon’ble Supreme Court opined that repeated representations made will not keep the issues alive. A stale or a dead issue/dispute cannot be got revived even if such a representation has either been decided by the authority or got decided by getting a direction from the court as the issue regarding delay and laches is to be decided with reference to original cause of action and not with reference to any such order passed. Delay and laches on the part of a government servant may deprive him of the benefit which had been given to others. Article 14 of the Constitution of India, in a situation of that



nature, will not be attracted as it is well settled that law leans in favour of those who are alert and vigilant.

13. In *Union of India and others v. M. K. Sarkar, (2010) 2 SCC 59*, the Hon'ble Supreme Court has ruled that when a belated representation in regard to a 'stale' or 'dead' issue/dispute is considered and decided, in compliance with a direction by the court/tribunal to do so, the date of such decision cannot be considered as furnishing a fresh cause of action for reviving the 'dead' issue or time-barred dispute. The issue of limitation or delay and laches should be considered with reference to the original cause of action and not with reference to the date on which an order is passed in compliance with a Court's direction. Neither a court's direction to consider a representation issued without examining the merits, nor a decision given in compliance with such direction, will extend the limitation, or erase the delay and laches.

14. In the present case, the petitioners have approached this Court after a considerable lapse of time. Repeated representations will not keep the issues alive and the learned counsel for the petitioners has offered no plausible explanation for the delay in filing the present petition. Furthermore, this Court finds merit in the submission of the learned counsel for the respondents that the circular dated 14.07.2016 (Annexure P-4), concerning the grant of revised 9/16 years TBPS to Junior Engineers with effect from 01.12.2011, cannot be extended to the petitioners. Admittedly, on the date of issuance of the said circular, the petitioners were neither holding the post of Junior Engineer nor in service, having already retired between 01.01.2006 and 01.12.2011. Additionally, in view



of the clarification dated 08.11.2016 (Annexure P-5), the said circular operates prospectively and carries no retrospective effect. Consequently, no claim for pay fixation from an earlier date or payment of arrears can be sustained. The relevant portion of the clarification dated 08.11.2016 (Annexure-P-5) is reproduced as under:

“After examining the issue the competent Authority, the following clarifications are being issued:-

*1. As it is clear from the instructions issued vide finance circular no.10/2016 dated 14.07.2016 that those JEs (induction category) who have already been granted 9/16 years Time Bound Promotional Scale from 1.12.2011 will be granted the revised 9/16 years Time Bound Promotional Scale from 1.12.2011. **Meaning thereby on the pattern of Punjab Govt. the pay in the 9/16 years revised Time Bound Promotional Scales provided to the category of JEs effective from the 1st December, 2011 shall be fixed prospectively and there shall be no element, whatsoever, of retrospectivity in this regard and there will be no question of payment of arrears or of fixation of pay on notional basis from any previous date...**”*

(Emphasis supplied)

15. In view of the discussion above, this Court does not find it appropriate to invoke its extraordinary writ jurisdiction under Article 226 of the Constitution of India. Accordingly, the present petition stands dismissed.

16. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

14.01.2026
monika

1. Whether speaking/ reasoned : Yes /No
2. Whether reportable : Yes /No