



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

210

CWP-6818-2020**Date of Decision: 15.01.2026**

RADHA RANI

...Petitioner

Versus

BHARAT SANCHAR NIGAM LIMITED AND ORS

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. K.B. Sharma, Advocate,
for the petitioner. (Through V.C.)

Ms. Puneeta Sethi, Senior Panel Counsel,
for the respondents-UOI.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the impugned order dated 13.09.2019 (Annexure P-7) passed by respondent No. 2-Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by which, the claim of the petitioner for the grant of extraordinary pension has been declined on the ground that the same is raised belatedly.

2. Learned counsel appearing for the petitioner argues that as per the settled principle of law, delay is not to be taken into account in matters relating to grant of pensionary benefits as the denial of an entitled pensionary benefit constitutes a continuing wrong. Learned counsel further submits that the claim has not been decided on merits by the Tribunal and therefore, the matter needs to be remanded to the Tribunal for a decision on merits.



3. Learned counsel appearing for the respondents submits that as per Columns 1 and 2 of the Extraordinary Pension Rules, the application has to be filed within a period of 7 years and no application can be undertaken thereafter and the rejection of the claim, therefore, by the Tribunal is valid.

4. We have heard learned counsel for the parties and have gone through the case with their able assistance.

5. As per the settled principle of law settled by the Hon'ble Supreme Court of India in *Union of India and others vs. Tarsem Singh*, (2008) 8 SCC 648, delay cannot be a ground for denying the claim of pensionary benefits. The relevant paras of the said judgment are as under:-

“5. To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by filing a writ petition) or limitation (where remedy is sought by an application to the Administrative Tribunal). One of the exceptions to the said rule is cases relating to a continuing wrong. Where a service related claim is based on a continuing wrong, relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. But there is an exception to the exception. If the grievance is in respect of any order or administrative decision which related to or affected several others also, and if the re-opening of the issue would affect the settled rights of third parties, then the claim will not be entertained. For example, if the issue relates to payment or re-fixation of pay or pension, relief may be granted in spite of delay as it does not affect the rights of third parties. But if the claim involved issues relating to seniority or promotion



etc., affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied. In so far as the consequential relief of recovery of arrears for a past period, the principles relating to recurring/successive wrongs will apply. As a consequence, High Courts will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition.

6. In this case, the delay of 16 years would affect the consequential claim for arrears. The High Court was not justified in directing payment of arrears relating to 16 years, and that too with interest. It ought to have restricted the relief relating to arrears to only three years before the date of writ petition, or from the date of demand to date of writ petition, whichever was lesser. It ought not to have granted interest on arrears in such circumstances.”

6. Further, it becomes the duty of the State to give the entitled pensionary benefit to the legal heirs or the spouse of the deceased employee. The legal heirs or the spouses of the deceased employee were never made aware of the rules regarding the limitation for raising such claims, to which they are entitled. Hence, denial of the benefit of extraordinary pension, to which petitioner is otherwise entitled mainly on the ground of delay in raising the claim, cannot be accepted. The order passed by the Tribunal is contrary to the settled principle of law laid down in ***Tarsem Singh***’ case (supra) and therefore, cannot be accepted and is accordingly set aside.

7. The matter is remanded back to the Tribunal for a fresh adjudication on merits with regard to the entitlement of the petitioner to the



extraordinary pension. It is clarified that this Court is not making any observation with regard to the entitlement of the petitioner to the grant of extraordinary pension, which will be decided by the Tribunal on merits, keeping in view the facts and the rules brought on record by the parties concerned. The parties are directed to appear before the Tribunal on 16.02.2026.

8. The writ petition is allowed of in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

January 15, 2026
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Whether speaking/reasoned	Yes
Whether reportable	No