



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

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CWP-8081-2026 (O&M)
Date of decision: 17.03.2026

Bhajan Singh

....Petitioner

Versus

Punjab State Power Corporation Limited and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kanwaljeet Singh Derabassi, Advocate
for the petitioner.

Mr. Chetan Juneja, Advocate
for the respondents.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to refix the pay of the petitioner in the revised 2006 pay scales after grant of 16 years second time bound scale w.e.f. 01.03.2008, to step up his pay at par with his Junior Engineer Sanjeev Sood from the date the anomaly arose and to grant the consequential benefits including arrears, revision of pension and interest.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner initially joined the erstwhile Punjab State Electricity Board (PSEB) on 13.07.1978 and thereafter, pursuant to Advertisement CRA No.166/91, he successfully cleared the recruitment process for the



post of Assistant Engineer and was issued appointment letter dated 03.02.1992 and joined on 28.02.1992. Another candidate namely Mr. Sanjeev Sood, participated in the same selection process and admittedly, the petitioner was senior to Mr. Sanjeev Sood as the petitioner joined the service on 28.02.1992 whereas Mr. Sanjeev Sood joined the service earlier on 11.11.1991. Learned counsel for the petitioner further submits that under the Time Bound Promotional Scheme (TBPS) introduced vide Finance Circular No.52/89, the junior officer was granted the second Time Bound Promotional Scale on completion of 16 years of service w.e.f. 11.11.2007, whereas the petitioner was granted the same scale w.e.f. 01.03.2008. Upon implementation of the Revised Pay Scales, 2006, the junior exercised the option for pay fixation after grant of higher scale, resulting in his pay being fixed at a higher stage, thereby creating an anomaly whereby the petitioner, despite being senior, started drawing lesser pay than his junior. Consequently, an anomaly arose whereby the petitioner, despite being senior, started drawing lesser pay than his junior. Learned counsel for the petitioner further contends that the petitioner submitted his first representation on 24.12.2010 seeking stepping-up of his pay at par with his junior only from 01.03.2008 i.e. the date on which his own higher scale was granted, however, the respondents rejected his claim. Thereafter, the respondent/Corporation issued Instructions dated 27.06.2024 (Annexure P-19) regarding removal of pay anomalies in the revised pay scales. The



petitioner again submitted detailed representations on 24.12.2025 and 27.01.2026, which remained unheeded.

3. Mr. Chetan Juneja, Advocate has put in appearance on behalf of the respondents and file Memo of Appearance, which is taken on record. The Registry is directed to tag the same at appropriate place.

3.1. Learned counsel for the respondents submits that admittedly the petitioner was appointed as Assistant Engineer vide appointment letter dated 03.02.1992 and he joined the service on 28.02.1992. He further submits that Mr. Sanjeev Sood joined earlier on 11.11.1991 and, therefore, he completed 16 years of qualifying service on 11.11.2007, whereas the petitioner completed the said period at a later point of time. He further contends that the benefit of second Time Bound Promotional Scale was rightly granted to the said employee earlier in point of time strictly in accordance with the applicable rules and policy. Further, the fixation of pay and grant of higher scale were carried out in terms of the applicable instructions and no illegality or arbitrariness can be attributed upon the respondents. Learned counsel for the respondents further contends that the present petition is liable to be dismissed on the ground of delay and laches as the petitioner stood retired from service on 31.08.2012 and he has approached this Court after an inordinate and unexplained delay, thereby dis-entitling him to any discretionary relief under the writ jurisdiction.

4. In response, learned counsel for the petitioner concedes that the claim of the petitioner arose on 01.04.2011, when the representation



of the petitioner was rejected. However, he could not provide any satisfactory reason to justify the delay in approaching this Court.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. It is apparent on record that the petitioner joined the erstwhile Punjab State Electricity Board on 13.07.1978 and, after clearing the recruitment for Assistant Engineer, he joined the post on 28.02.1992. Another candidate, Mr. Sanjeev Sood, who participated in the same selection process, joined earlier on 11.11.1991 and he was granted the second Time Bound Promotional Scale on completion of 16 years of service w.e.f. 11.11.2007, whereas the petitioner was granted the same scale w.e.f. 01.03.2008. Upon implementation of the Revised Pay Scales, 2006, the junior exercised the option for pay fixation after grant of higher scale, resulting in his pay being fixed at a higher stage. Further, the right of the petitioner was crystallized on 01.04.2011, when his representation was rejected. He remained indolent for almost 15 years and now he wants to revise his dead claim on the basis of Instructions dated 27.06.2024 (Annexure P-19). A perusal of the same clearly indicates that an opportunity was granted to the serving employees to get the pay anomaly removed and in case of those employees who stood retired between 01.01.2016 and up to the date of issuance of said Instructions dated 27.06.2024, then such retirees could submit their representations up to 30.09.2024. The present petitioner



retired on 31.08.2012 and, therefore, he does not fall within the category of retirees eligible under these instructions.

7. 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 petitioner has failed to specify any compelling or extenuating circumstance which prevented him 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 S.S. 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)

8. Further, 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.

9. 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.



10. 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.

11. Moreover, 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 refixation 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 judgment 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)*

12. In the present case, the petitioner has approached this Court after a considerable lapse of time. Repeated representations will not



keep the issues alive and no plausible explanation has been offered by learned counsel for the petitioner for the delay in filing the present petition.

13. In view of the above discussions, 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.

(HARPREET SINGH BRAR)
JUDGE

17.03.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No