



CWP-10090-2000

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

Serial No.204

CWP-10090-2000

Decided on:07.04.2026

M. S. Yadav and others

. . . Petitioners

Versus

State of Haryana and another

. . Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Ms. Ridhima Khindria, Advocate
for the petitioners.

Mr. Aakash Singla, Additional Advocate General, Haryana.

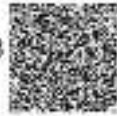
TRIBHUVAN DAHIYA, J.(ORAL)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to re-fix the petitioners' pay by including the break period while calculating the annual increments admissible to them.

2. Learned State counsel contended that the petitioners earlier approached this Court with identical prayer by filing CWP-6627-1991 titled *R. C. Sharma and others v. State of Haryana and another*. This fact has been admitted in paragraph 4 of the petition also. The relief sought in the said petition was as follows:

Civil Writ Petition Under Article 226/227 of the Constitution of India praying that this Hon'ble Court may be pleased to:-

- i) to direct the respondents to re-fix pay of petitioners and grant the salary of intervening summer-break period in question.



- ii) to order that increment too be granted to the petitioners alongwith interest.
- iii) to dispense with filling certified copies of annexure attached herewith:
- iv) to award costs of this petition.

It was disposed of vide order dated 08.10.1997 in terms of the order passed by the Court in CWP-4923-1990 titled *Kaushalya Devi and others v. The State of Haryana and another*, on the same date. The operative part of the order reads as under:

After perusing the judgement or (of) the Supreme Court in Rattan Lal's case (Supra) [*Rattan Lal and others v. State of Haryana and others*, AIR 1978 SC 478], we are convinced that the controversy involved in this writ petitions is squarely covered by the ratio of Rattan Lal's case (supra). After the passing judgement in Rattan Lal's case (supra), this Court has been consistently allowing salary of Summer Vacation to the teachers. Even general directions were also issued to the Education Department to release the salary for the summer vacations to all the teachers so that they do not have to approach the Court through separate Writ Petitions. Consequently, we allow this petition and direct the respondents to pay salary for summer vacations to the petitioners within a period of three months from the date of receipt of this order.

As apparent, the petitioners' claimed salary is for the entire break period, including summer vacation. However, only the claim for grant of salary for the summer vacation was accepted by the Court vide the order aforementioned. This is also apparent from the order dated 29.03.2000, passed by this Court in COCP-380-1999, which was filed alleging violation of the



directions issued by this Court vide order dated 08.10.1997. The contempt petition was dismissed by the Court with the following observations:

It is the admitted case of the parties that salary for the summer vacations has since been paid to the petitioners. The claim of petitioners in the writ petition was for the payment of salary for the break period (which included the summer vacations). However, as referred to above, the directions given by this Court were only with regard to the payment of salary for the summer vacations. This part of the order having been complied with by the respondent, it could not be said that the respondent has dis-obeyed the orders passed by this court.

Referring to these orders, learned State counsel contended that the petition is not maintainable as the claim which was not specifically raised before this Court in an earlier round of litigation, is deemed to have been rejected. Another petition for the same claim is thus not maintainable.

3. This Court is in agreement with the argument raised by learned State counsel that the second petition on the same cause is not maintainable. Further, it can also not be lost sight of that the petitioners were appointed as lecturers in Government Colleges on *ad hoc* basis between 1976 to 1981. Later, their services were regularised on different dates, i.e., 26.12.1986, 09.05.1987, 25.08.1989 and 31.12.1990 respectively. The instant petition has, however, been filed after an inordinate delay of about nineteen years. Accordingly, it is not maintainable on the principle of delay and laches as held by a Division Bench on similar facts in CWP-8662-1987 titled *SP Kapoor v. State of Haryana and another*. The observations are:

Now here the petitioner want a direction to the State on the basis of Rattan Lal case (Supra) that they be paid salary for the summer vacation for the years prior to 1979. We can, in no event,



as stated before read anything in Rattan Lal's case (supra), entitling the petitioners to such a claim, if any is eligible before the civil court, it is today barred by limitation. Way back in the year 1964, in State of Madhya Pradesh and Others Vs. Bhai Lal Bhai, AIR 1964 S.C.1000 a five member of the Supreme Court took the view that the provisions of the limitation Act do not as such apply to the granting of the relief under Article 226, however, the maximum period fixed by a suit in a civil court must be brought, may ordinarily be taken to be a reasonable standard by which delay in seeking remedy under Article 226 can be measured. Further the view taken was that court may consider the delay unreasonable even if it is less than the period of limitation prescribed for a civil action for the remedy, but where the delay is more than this period. It will almost always be proper for the court to hold that it is unreasonable.

4. Accordingly, finding no merit in the petition, it stands dismissed.

07.04.2026

Mehak

**(TRIBHUVAN DAHIYA)
JUDGE**

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No