



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

208

CWP-32850-2018 (O&amp;M)

Decided on : 05.02.2026

GAJE SINGH

...Petitioner

Versus

UNION OF INDIA AND ORS.

... Respondents

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

PRESENT: Mr. Rajesh Khandelwal, Advocate for  
Mr. Ankur Sidhar, Advocate for the petitioner.

Mr. Paul S. Saini, Senior Panel Counsel  
for respondents No. 1 to 3.

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**HARSIMRAN SINGH SETHI, J. (Oral)**

1. In the present petition, the challenge is to the order dated 24.08.2018 (Annexure P-1) passed by the respondent No. 4- Central Administrative Tribunal, Chandigarh (herein after referred to as 'the Tribunal') by which, the claim being raised by the petitioner with regard to the grant of benefit of regular pay scale when he worked on temporary basis, has been denied to him on the ground that the petitioner cannot raise the said claim before the Court after a period of three decades from the time when actual cause of action accrued to him and that their claims are vague.

2. Learned counsel for the petitioner argues that the benefit is being claimed by the petitioner on the ground that the certain other similarly situated person approached the Tribunal in the year 2001, claiming the said benefit of regular pay scale by filing of **OA No. 788/HR/2001 titled as Pardeep Jain and others versus Union of India and others** (Annexure A-1 colly) which benefit was allowed in favour of them on 31.10.2003. Hence, the petitioner is also entitled to the said benefit, even if, the petitioner never

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claimed the same even after the order passed in **OA No. 788/HR/2001 - Pardeep Jain's case (supra)** , which had attained finality.

3. Learned counsel for the petitioner further argues that the denial of the benefit to the petitioner on the ground that there was a delay in approaching the authorities, is incorrect on the part of the Tribunal especially when such benefit had already been granted to the other similarly situated employees in **Pardeep Jain's case (supra)**.

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

5. It may be noticed that there are certain provisions under the Administrative Tribunals Act, 1985 (herein after referred to as 'Act, 1985') which are to be kept in mind for deciding the issue in hand, especially Section 21 of the Act, 1985 which deals with the *limitation* for raising the grievances. As per the Section 21 of the Act, 1985, the remedy has to be filed within the period of one year from the date when the cause of action has actually accrues, wherein any written order is causing prejudice and in case, a direction is being sought for, for the removal of the grievance, the same has to be interpreted to be the period of one year six months as six months time is given to raise such kind of grievances by way of a representation.

6. In the present case, the claim for the regular pay scale for a period starting from the year 1982 is being claimed by the petitioner in the year 2014. The First question which arises is whether, the said claim of the petitioner can be entertained after a period of 32 years or not.

7. In this regard the definition of Section 21 of the Act, 1985 is as under: \_

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**“21. Limitation.—***(1) A Tribunal shall not admit an application,— (a) in a case where a final order such as is mentioned in clause(a) of sub-section (2) of section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;*

*(b) in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of section 20 has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months.*

*(2) Notwithstanding anything contained in sub-section (1), where—(a) the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates; and*

*(b) no proceedings for the redressal of such grievance had been commenced before the said date before any High Court, the application shall be entertained by the Tribunal if it is made within the period referred to in clause (a), or, as the case may be, clause (b), of sub-section (1) or within a period of six months from the said date, whichever period expires later. (3) Notwithstanding anything contained in sub-section (1) or sub-section (2), an application may be admitted after the period of one year specified in clause (a) or clause (b) of sub-section (1) or, as the case may be, the period of six months specified in sub-section (2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period.”*

8. A bare perusal of the above reproduction would show that once a period of limitation has been provided to raise the grievance, the claim of

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service benefit raised after a period of 32 years at the hands of the petitioner was certainly barred especially when, the petitioner has already retired from service even at the time when claim was raised. The said fact has also not been rebutted by the learned counsel for the petitioner.

9. The Second question which arises is whether or not can a Tribunal entertain a plea raised by an employee who has already retired from service wherein a plea is with regard to the grant of service benefit even though the cause of action had accrued to him/her 32 years ago.

10 It is a settled principle of law that where a specific limitation has been provided in the Act, 1985 itself under which the remedy is being claimed by the petitioner in the present case and the said bar with regard to the limitation provided to the petitioner has not been cleared by him, the denial of the benefit by the Tribunal to the petitioner on the ground of delay, is perfectly valid and legal. Even otherwise, when the said bar is applied in the facts and circumstances of the present case, it is clear that, upon regularization of the services of the petitioner and discharging the duties upto the date of superannuation of the petitioner no objection has been raised by the petitioner qua the claim of service benefit. Hence, in the facts and circumstances of the present case, the denial to a service benefit claimed by the petitioner, which caused prejudice to him when the cause of action accrued 32 years ago, has rightly been done by the Tribunal.

11. Learned counsel for the petitioner further argues that the grievance of the petitioner only started when, the similarly situated employees were given the benefit by this Court in the year 2014.

It may be noticed that the interpretation that the claim is being raised by the petitioner when the benefit had already been given to the other

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employees, is not correct as the similarly situated employees raised the grievance in the year 2001 and despite the said grievance raised by the others, the petitioner chose not to raise the said grievance despite in service. He only raised the grievance when others were successful in getting the same benefits, hence, the question of law which arises is whether any fence-sitter is entitled to any benefit given to an employee who was cautious and was agitating his/her grievance before the competent court of law.

12. In this regard, the law is well settled by the *Hon'ble Supreme Court of India in Special Leave to Appeal (c) No. 5619 of 2024 titled as Damor Nanabhai Manabhai and others versus The State of Gujarat and others, decided on 02.12.2025*, wherein, it has been held that benefit of the judgment cannot be given to the similarly situated fence-sitter as the delay and laches has to be taken into account and merely that the similarly situated employees, who had approached the Court within time frame prescribed got the relief, a fence-sitter cannot be allowed to have the said benefit. Relevant paragraph No. 9 of the judgment is as under:-

*“9. In the present case, the petitioners, whose services stand terminated, are not identically situated as the writ petitioner in Special Civil Application No. 4293 of 2021, who raised a claim in respect of higher grade pay scales while heing in service. Similarly, while a court order in favour of a set of persons may, in appropriate cases, be extended to others who are identically situated, this is subject to recognised exceptions, including delay, laches and acquiescence. Those who seek to claim the benefit after long delay, merely upon noticing that others have succeeded, cannot as a matter of course demand similar relief.*

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*In State of Uttar Pradesh v. Arvind Kumar Srivastava, (2015) 1 SCC 347, this Court has explained these principles succinctly in the following portion:*

*22. The legal principles which emerge from the reading of the aforesaid judgments, cited both by the appellants as well as the respondents, can be summed up as under*

*22.1. The normal rule is that when a particular set of employees is given relief by the court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently*

*22.2 However, this principle is subject to well-recognised exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the court earlier in time*

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*succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays,”*

13. A bare perusal of the above would show that the Hon’ble Supreme Court of India has held that the grant of a benefit to a similarly situated employees does not entitle the other employees to have the same benefits in case, they chose not to claim the said benefit at the relevant time.

14. In the present case, it is a conceded position that during the service career of the petitioner, he never raised the same claim as being raised by the other employees before the competent court of law, hence, the claim of the petitioner is squarely covered by the judgment passed by the Hon’ble Supreme Court of india in **Damor Nanabhai Manabhai’s case (supra).**

15. At this stage, learned counsel for the petitioner places reliance upon the judgment passed by this Court in **Civil Writ petition No. 4382 of 2002, titled as ‘Satbir Singh versus State of Haryana’**, decided on 21.03.2002, and submits that once, a benefit has been granted to a particular category of employee, the said benefit should be extended to all person without forcing everyone to claim the said benefits before the competent Court.

16. It may be noticed that though the said preposition of law is correct, but the same has to be applied keeping in view the facts and provisions of each case, coupled with the rules/ the provisions of the Act under which, the relief is being claimed.

17. In the present case, there is a bar under Section 21 of 1985 Act,

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which prescribes non entertainment of the claim after a period of 1 year. The said bar is not there in **'Satbir Singh's case (supra)'**.

18. Further, the claim has to be raised while in service, but herein the present case, the petitioner has already retired from service without raising any plea or grievance before the authorities during his service career, hence, the judgment passed in **'Satbir Singh's case (supra)'** will not be applicable in the peculiar facts and circumstances of the present case, as, the law is to be applied not only with the law settled but also with the facts of the case and mere wording of the judgment cannot be made applicable ignoring the facts of the each case.

19. The learned counsel for the petitioner has also relied upon the judgment passed by the Divisions Bench of this Court in **(1995) 109 PLR 274 titled as 'Sh. Rattan Singh and others versus The State of Haryana and others', decided on 14.09.1994**. It may be noticed that the said judgment will also not be applicable in the present case, keeping in view the fact that there was no bar as provided under Section 21 of the 1985 Act which debars the belated claims, hence, even the said judgment will not come to the rescue of the petitioner.

20. Learned counsel for the petitioner further reliance upon the judgment passed by the **Hon'ble Supreme Court of India in Civil Appeal No.9849-2014 titled as State of Uttar Pradesh and others vs. Arvind Kumar Srivastava and others decided on 17.10.2014**. It may be noticed that while passing the recent judgment of 2025 in **Damor Nanabhai Manabhai's case (supra)**. The Hon'ble Supreme Court of India has taken **Arvind Kumar's case (supra)** judgment into account and still held that the fence-sitter cannot be allowed the same benefit as latches and delays and/or acquiescence would

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be a valid ground to dismiss their claim and therefore, no benefit has been granted to the petitioner as well.

21. No other arguments raised by the learned counsel for the petitioner.

22. Keeping in view the totality of the facts and circumstances in the present case, the order passed by the Tribunal in the facts and circumstances of the present case, cannot be treated as perverse to the settled principle of law as well as to the provisions of the Act, 1985. Hence, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

23. Accordingly, the present writ petition is dismissed.

24. Pending civil miscellaneous application, if any, stands disposed of.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

**(VIKAS SURI)**  
**JUDGE**

**05.02.2026**

*Riya*

*Whether speaking/reasoned:* Yes/~~No~~

*Whether Reportable:* ~~Yes~~/No