



CWP-37293-2025

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

Serial No.115

CWP-37293-2025

Decided on:27.01.2026

Shubh Ram

. . . Petitioner

Versus

State of Haryana and others

. . Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Jagjeet Beniwal, Advocate
for the petitioner.

Ms. Tanushree Gupta, Senior Deputy Advocate General,
Haryana.

TRIBHUVAN DAHIYA, J.(ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* setting aside the order dated 24.05.2018, Annexure P-9, passed by respondent no.2 rejecting the petitioner's claim for grant of seniority, pay fixation and benefit of Assured Career Progression (ACP) scale. Further, a writ of *mandamus* has been sought directing the respondents to give the benefit of army service rendered by the petitioner from 28.05.1979 to 31.05.1996, re-fix his pay and provide the aforesaid consequential benefits.

2. As apparent on record, the petitioner joined the Indian Army as Constable, and subsequently qualified the course of Unit Education Instructor (UEI) from 26.12.1983 to 31.03.1984. He was relieved from the Army on 31.05.1996, joined the respondent Department as Junior Basic Training (JBT)



teacher on 18.11.2000. After serving for about seventeen years, he served a legal notice, dated 11.01.2017, to the Department with regard to his claims mentioned hereinbefore. As no action on the legal notice was taken, he approached this Court by filing a petition, CWP-24028-2017, claiming those benefits, which was disposed of vide order dated 25.10.2017, Annexure P-8, directing respondent no.2 to take a decision on the legal notice. In compliance with the directions, the impugned order dated 24.05.2018, Annexure P-9, has been passed rejecting the petitioner's claim after affording him opportunity of personal hearing, on the following reasoning:

After due consideration, the facts of last pay drawn and whether the petitioner was appointed on the post of Education Havaldar in Military is found to be relevant for consideration of claim of the petitioner. The petitioner was granted opportunity of personal hearing with liberty to put forth all documents in his claims favour. The petitioner appeared in person and was heard. During hearing, the petitioner failed to submit any record which may prove that he has rendered service on the identical post of teacher i.e. Education Havaldar in Military and he was getting identical pay scale of a JBT Teacher in Military service. The petitioner also failed to put forth any fact, which may prove that his claim is covered under Finance Department Haryana circular No. 1/2 (3) 91-3FR-I dated 01.07.1992.

The order also records that the petitioner is not entitled to get his military service counted towards pension since he is getting pension from the Army. Also, he never opted to get his military service counted for pension as provided under Rule 4.3 of the Punjab Civil Services Rules, Volume II. As averred in the petition, he retired from service in 2019.



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3. In this background, learned counsel for the petitioner contends that the impugned order has been wrongly passed and the petitioner is entitled to get the benefit in terms of the judgment rendered by this Court in CWP-11351-1995, dated 18.12.1995, Annexure P-10.

4. Learned State counsel, on the contrary, contends that the petition has been filed after thirty years of retirement from the Army. Besides, a detailed order has been passed after considering the petitioner's case, which is in accordance with law and the relevant rules mentioned therein.

5. Considering the submissions made by learned counsel for the parties, and keeping in view the facts of the case, this Court is not inclined to entertain the petition primarily on the ground of delay and laches. The petitioner was relieved from the Army on 31.05.1996, and joined the service with the respondent Department as JBT on 18.11.2000. But never claimed the benefit of Army service for about seventeen years. Thereafter, he approached this Court by filing CWP-24028-2017, and pursuant to the directions issued by this Court, respondent no.2 considered and decided his case vide impugned order dated 24.05.2018. Even this order was not challenged by the petitioner for about seven years. No explanation is forthcoming for this inordinate delay in agitating his rights.

6. Accordingly, the petition is dismissed on the principle of delay and laches.

(TRIBHUVAN DAHIYA)
JUDGE

27.01.2026
Mehak

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No