

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 20431 of 2014.
Date of Decision : 30.09.2014.

Smt. Baljeet Kaur (Retd.)

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Dalel Singh Nain, Advocate for the petitioner.

Tejinder Singh Dhindsa, J.

As per pleadings on record, the petitioner was initially appointed as Gram Sevika under the Department of Panchayat, State of Haryana in the year 1979. The petitioner thereafter was stated to have been promoted to the post of Supervisor in the year 2001. Petitioner retired on 31.1.2008 upon attaining the age of superannuation.

The instant petition has been filed seeking the issuance of a writ of mandamus for directing the respondents to re-fix the pay of the petitioner in the pay scale of ₹950-1500 w.e.f. 1.1.1986 as also further consequent revised pay scales.

Having heard learned counsel for the petitioner, this Court is of the considered view that a highly belated and stale claim is sought to be raised.

The petitioner retired from service in the year 2008. The instant petition has been instituted in the year 2014. Counsel has not been able to advert to any material/document so as to substantiate that such claim of re-fixation of any particular pay scale w.e.f. 1.1.1986 was ever raised by the petitioner during her service tenure. Even the

arguments raised by the learned counsel as regards a recurring cause of action on account of lesser salary being released to the petitioner every month would be of no consequence. Such concept of a recurring cause of action would be available to an employee only during the tenure of service and not thereafter. Reference in this regard may be made to the judgment of the Hon'ble Supreme Court of India in **M.R. Gupta Vs. Union of India and others, AIR 1996 SC 669(1)**.

For the reasons stated above, the instant petition is dismissed on the ground of delay and laches.

September 30, 2014.
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(TEJINDER SINGH DHINDSA)
JUDGE