

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

116

Civil Writ Petition No.4583 of 2020
Date of Decision: February 28th, 2020

Darshan Lal and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.K. Arora, Advocate
for the petitioners.

Mr. Vikas Mohan Gupta, Additional Advocate General,
Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court praying for the grant of arrears of the revision of the pay scales from the date the Circular dated 21.12.2011 (Annexure P-2) was issued by the respondent-department, whereby the anomaly in the pay scales was removed from 01.01.1996. This benefit has been restricted to the petitioners vide order dated 21.12.2016 (Annexure P-7) for the claim of arrears for 38 months prior to the date of filing of the writ petition.

Counsel for the petitioners contends that the petitioners are entitled to the release of arrears from the date the pay scales were granted to them or at least from the date the decision was taken by the Government of Punjab i.e. 02.07.2012 (Annexure P-4) for release of the said benefit to the petitioners.

This contention of the learned counsel for the petitioners cannot be accepted as it is a settled preposition of law that an employee cannot be granted the benefit of he having slept over his rights. It is a well settled preposition of law that the arrears are restricted to 38 months prior to the

date of filing of the writ petition. This is in the light of the basic principle of limitation which is being made applicable as a general principle for the grant of arrears as the financial benefits have to be so restricted accordingly. The prayer, therefore, as made in the present writ petition cannot be accepted.

The writ petition stands dismissed for the above said reasons

February 28th, 2020

Puneet

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No