



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

116

CWP-31848-2026

Date of Decision: **28.09.2026**

Kundan Lal

.....Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Saurabh Bajaj, Advocate for the petitioner.

Mr. Rahul Dev Singh Addl. AG and Mr. Naveen Singh Panwar,
DAG Haryana-State.

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to refix the pay scale and consequential pension of the petitioner by granting him parity with Lab Attendants (Matriculate), on the ground that the duties and responsibilities of the post of Lab Attendant (Under-Matric) held by him are identical. A further prayer has been made for modification of the order dated 25.09.2013 (Annexure P-7), whereby the petitioner has been granted parity in pay scale only with employees working in Government Colleges, but has been denied parity with Matriculate Lab Attendants. The petitioner also seeks extension of the benefit of the judgment dated 29.07.2008 (Annexure P-3) passed by a Co-ordinate Bench of this Court in **CWP No.3901 of 1988**, and of the



consequential order dated 25.08.2009 (Annexure P-2), in view of Section 6 of the Haryana Affiliated Colleges (Security of Service) Act, 1979. Consequently, the petitioner prays that his pension be refixed by reckoning his pay in the scale of Rs.950-1500 instead of Rs.775-1025.

CONTENTIONS

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner joined the service of respondent No.3-College as a Peon on 17.05.1971. He was subsequently regularized and promoted to the post of Lab Attendant (Under-Matric), and he retired on attaining the age of superannuation on 31.05.2013, as is evident from the pension order dated 12.12.2013 (Annexure P-1). It is submitted that respondent No.3 is a Government Aided College receiving grant-in-aid to the extent of 95% from the State Government, and is governed by the Haryana Affiliated Colleges (Security of Service) Act, 1979 (hereinafter referred to as 'the 1979 Act'). Learned counsel submits that under Section 6 of the 1979 Act, the scales of pay of the employees of affiliated colleges are such as may be specified by the Government from time to time. Therefore, the orders of the State Government in the matter of pay scales apply equally to the employees of such colleges.

3. It is argued that the petitioner performed the same duties and responsibilities as a Matriculate Lab Attendant, and the only difference between the two posts lies in the educational qualification. Learned counsel points out that vide memo dated 02.02.1961, the State Government relaxed the eligibility condition for the post of Lab Attendant, since matriculates



with science were either not available or did not stay on the job for long. Persons who had studied up to the 8th class with science as a subject were thereby made eligible for appointment. It is thus contended that once the Government itself relaxed the qualification, matriculation cannot be treated as a higher qualification for placing Under-Matric Lab Attendants in a lower pay scale.

4. Learned counsel places reliance upon the judgment dated 29.07.2008 (Annexure P-3) rendered by the Co-ordinate Bench of this Court in **CWP No.3901 of 1988**, titled as '*Lachhman Singh and others v. State of Haryana and other*', whereby Under-Matric Lab Attendants working in Government College, Hisar were held entitled to the pay scale of Rs.950-1500 being paid to Matriculate Lab Attendants. It is submitted that, in implementation of the said judgment, the State Government issued order dated 25.08.2009 (Annexure P-2), granting the revised pay scale of Rs.950-1500 to Under-Matric Lab Attendants with effect from 01.01.1986, in parity with Matriculate Lab Attendants. Learned counsel contends that despite the aforesaid judgment and consequential order, the petitioner has been denied the said benefit.

5. It is further pointed out that the petitioner, along with other similarly situated Lab Attendants, served a legal notice dated 02.03.2014 (Annexure P-4) and, after his retirement, submitted a representation dated 20.02.2017 (Annexure P-5), but to no avail. The claim of similarly situated Under-Matric Lab Attendants working in Government Aided Colleges was rejected by respondent No.2 vide order dated 13.02.2012 (Annexure P-6). Learned counsel submits that vide order dated 25.09.2013 (Annexure P-7),



the petitioner was granted parity in pay scale only with employees working in Government Colleges, and not with Matriculate Lab Attendants. The petitioner had earlier approached this Court by way of **CWP-16161 of 2013**, which was dismissed as withdrawn on 18.07.2019 (Annexure P-8) with liberty to file a fresh petition challenging the denial of arrears. Subsequently, the petitioner filed **CWP-35580 of 2019**, which was also withdrawn vide order dated 05.05.2022 (Annexure P-9) with liberty to file afresh with better particulars.

6. *Per contra*, learned State counsel contends that the petitioner retired from service on 31.05.2013, whereas the State Government had already issued order dated 25.08.2009 (Annexure P-2) in compliance with the judgment dated 29.07.2008 passed by the Co-ordinate Bench in ***Lachhman Singh (supra)***, granting parity in the pay scale of Under-Matric Lab Attendants with Matriculate Lab Attendants with effect from 01.01.1986. It is, therefore, argued that the petitioner cannot be permitted to raise a dispute regarding the fixation of his pay after his retirement by projecting it as a pensionary dispute, particularly when his pension order was issued on 12.12.2013 and he submitted his representation only on 20.02.2017. Learned State counsel further submits that the reliance upon ***Lachhman Singh (supra)*** is misplaced, as the petitioners therein had approached this Court in the year 1988, whereas the present petitioner remained silent for several years and raised the issue only after his retirement.

7. It is further submitted that the petitioner has approached this Court by way of the present petition only in the year 2026, although the



cause of action, if any, arose decades earlier. It is thus contended that no surviving cause of action remains in favour of the petitioner after such an inordinate and unexplained lapse of time.

OBSERVATION & ANALYSIS

8. I have heard the learned counsel for the parties and perused the record with their able assistance. It is trite law that the delay in approaching this Court under Article 226 of the Constitution of India may be condoned if sufficient cause is indicated or a reasonable explanation is provided for the same. However, the facts of the matter at hand indicate otherwise. Learned counsel for the petitioner has failed to specify any compelling or extenuating circumstance which prevented him from approaching this Court for such a long time. Reference in this regard may be made to the judgment rendered by a three-Judge Bench of the Hon'ble Supreme Court in *Chairman /Managing Director, U.P. Power Corporation Limited and Others vs. Ram Gopal* (2021) 13 SCC 225, wherein, the following was held:

*“16. Whilst it is true that limitation does not strictly apply to proceedings under Articles 32 or 226 of the Constitution of India, nevertheless, such rights cannot be enforced after an unreasonable lapse of time. Consideration of unexplained delays and inordinate laches would always be relevant in writ actions, and writ courts naturally ought to be reluctant in exercising their discretionary jurisdiction to protect those who have slept over wrongs and allowed illegalities to fester. Fence-sitters cannot be allowed to barge into Courts and cry for their rights at their convenience, and vigilant citizens ought not to be treated alike with mere opportunists. On multiple occasions, it has been restated that there are implicit limitations of time within which writ remedies can be enforced. In *SS Balu v. State of Kerala*, this Court observed thus:*

“17. It is also well settled principle of law that "delay defeats equity". It is now a trite law that where the writ petitioner approaches the High Court after a long delay, reliefs prayed for may be denied to them on the ground of delay and laches irrespective of the fact that they are similarly situated to the



other candidates who obtain the benefit of the judgment.””

(Emphasis added)

9. In *State of Uttaranchal v. Shiv Charan Singh Bhandari*, (2013) 12 SCC 179, while considering the issue regarding delay and laches and referring to earlier judgments on the issue, a two-Judge Bench of the Hon'ble Supreme Court opined that repeated representations made will not keep the issues alive. A stale or a dead issue/dispute cannot be got revived even if such a representation has either been decided by the authority or got decided by getting a direction from the court as the issue regarding delay and laches is to be decided with reference to original cause of action and not with reference to any such order passed. Delay and laches on the part of a government servant may deprive him of the benefit which had been given to others. Article 14 of the Constitution of India, in a situation of that nature, will not be attracted as it is well settled that law leans in favour of those who are alert and vigilant. Speaking through Justice Dipak Misra, the following was held:

“14. In *Union of India and others v. M.K. Sarkar*, 2010(1) S.C.T. 479 : (2010) 2 SCC 59, *this Court*, after referring to *C. Jacob (supra)* has ruled that when a belated representation in regard to a "stale" or "dead" issue/dispute is considered and decided, in compliance with a direction by the court/tribunal to do so, the date of such decision cannot be considered as furnishing a fresh cause of action for reviving the "dead" issue or time-barred dispute. The issue of limitation or delay and laches should be considered with reference to the original cause of action and not with reference to the date on which an order is passed in compliance with a court's direction. Neither a court's direction to consider a representation issued without examining the merits, nor a decision given in compliance with such direction, will extend the limitation, or erase the delay and laches.

15. From the aforesaid authorities it is clear as crystal that even if



the court or tribunal directs for consideration of representations relating to a stale claim or dead grievance it does not give rise to a fresh cause of action.

The dead cause of action cannot rise like a phoenix. Similarly, a mere submission of representation to the competent authority does not arrest time. In *Karnataka Power Corpn. Ltd. through its Chairman & Managing Director v. K. Thangappan and another*, 2006(2) S.C.T. 417 : (2006) 4 SCC 322, the Court took note of the factual position and laid down that when nearly for two decades the respondent-workmen therein had remained silent mere making of representations could not justify a belated approach.

16. In *State of Orissa v. Pyarimohan Samantaray*, (1977) 3 SCC 396, it has been opined that making of repeated representations is not a satisfactory explanation of delay. The said principle was reiterated in *State of Orissa v. Arun Kumar Patnaik*, (1976) 3 SCC 579.

17. In *Bharat Sanchar Nigam Limited v. Ghanshyam Dass (2) and others*, 2011(2) S.C.T. 712 : (2011) 4 SCC 374, a three-Judge Bench of this Court reiterated the principle stated in *Jagdish Lal v. State of Haryana*, 1998(1) S.C.T 26 : (1997) 6 SCC 538, and proceeded to observe that as the respondents therein preferred to sleep over their rights and approached the tribunal in 1997, they would not get the benefit of the order dated 7.7.1992.

18. In *State of T.N. v. Seshachalam*, 2007(4) S.C.T. 472 : (2007) 10 SCC 137, this Court, testing the equality clause on the bedrock of delay and laches pertaining to grant of service benefit, has ruled thus:

-

"..filing of representations alone would not save the period of limitation. Delay or laches is a relevant factor for a court of law to determine the question as to whether the claim made by an applicant deserves consideration. Delay and/or laches on the part of a Government servant may deprive him of the benefit which had been given to others. Article 14 of the Constitution of India would not, in a situation of that nature, be attracted as it is well known that law leans in favour of those who are alert and vigilant."

19. **There can be no cavil over the fact that the claim of promotion is based on the concept of equality and equitability, but the said relief has to be claimed within a reasonable time. The said principle has been stated in Ghulam Rasool Lone v. State of Jammu and Kashmir and another**, 2010(1) S.C.T. 169 : (2009) 15 SCC 321.



20. In *New Delhi Municipal Council v. Pan Singh and others*, 2007(2) S.C.T. 601 : (2007) 9 SCC 278, the Court has opined that though there is no period of limitation provided for filing a writ petition under Article 226 of the Constitution of India, yet ordinarily a writ petition should be filed within a reasonable time. In the said case the respondents had filed the writ petition after seventeen years and the court, as stated earlier, took note of the delay and laches as relevant factors and set aside the order passed by the High Court which had exercised the discretionary jurisdiction.

21. Presently, sitting in a time machine, we may refer to a two-Judge Bench decision in *P.S. Sadasivaswamy v. State of Tamil Nadu*, (1975) 1 SCC 152, wherein it has been laid down that a person aggrieved by an order of promoting a junior over his head should approach the Court at least within six months or at the most a year of such promotion. It is not that there is any period of limitation for the Courts to exercise their powers under Article 226 nor is it that there can never be a case where the Courts cannot interfere in a matter after the passage of a certain length of time, but it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their extraordinary powers under Article 226 in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle settled matters.”

(Emphasis added)

10. Moreover, with regards to issues regarding fixation of pay, the position of law has been settled by a two-Judge Bench Hon’ble Supreme Court in *M.R. Gupta v. Union of India*, (1995) 5 SCC 628 and has been reaffirmed by a full bench decision of this Court in *Saroj Kumari v. State of Punjab*, 1998(3) SCT 664. Accordingly, so long as an employee *is in service*, a petition claiming re-fixation of pay is not barred by limitation or the doctrine of laches, as the denial of benefit occurs every month when the salary is paid, thereby giving rise to a fresh cause of action, based on continuing wrong. Such a case is not a case of one time action like the case of termination or dismissal from service. However, payment of arrears can



be restricted to a reasonable period. Three years has been considered to be a reasonable period as that is the period for which a person can ask for the payment of arrears before a Civil Court. Once an employee *ceases to be in service*, the wrong fixation of pay can no longer be treated as a continuing wrong. Consequently, a petition seeking such fixation, if instituted after cessation of service and with substantial delay, is liable to be dismissed on the ground of delay and laches. Reliance can be placed on the judgement of the Co-ordinate bench of this Court in *Prem Nath v. State of Punjab, 2018(2) SCT 687*, wherein the petitioners approached this Court seeking correct fixation of pay much subsequent to their superannuation. While dismissing the petition on the ground of delay and laches, the Co-ordinate Bench held as follows:

“10. The reliance placed by counsel upon the judgment in Saroj Kumar's case, is wholly misplaced. The observations and aspect of delay in Saroj Kumar's case, were in the light of the judgment of the Supreme Court in M.R. Gupta v. Union of India and others, 1996(1) S.C.T 8 : 1995(4) RSJ 502. In M.R. Gupta's case (supra), it had been categorically held that so long as an employee "is in service" a fresh cause of action arises every month when he is getting his monthly salary on the basis of a wrong calculation made contrary to rules. It was further held that the claim to be awarded the correct salary on the basis of a proper pay fixation "is a right which subsists during the entire tenure of service"

11. In the present case, however, the petitioners choose not to agitate their claim while in service. It is much subsequent to their superannuation that they have woken up and seek to gain impetus from certain decisions that may have been rendered in the case of similarly situated employees.”

(Emphasis added)

11. Reference at this juncture must also be made to the judgement rendered by a two-Judge Bench of the Hon'ble Supreme Court in *Shiv Dass*



v. Union of India, (2007) 9 SCC 274, has authoritatively held that though the cause of action in matters of pension continues from month to month, the same cannot be a ground to overlook delay in filing the petition. Thus, where a petition is filed beyond a reasonable period, the Court is at liberty to either reject the claim or restrict the relief to a reasonable period. The relevant observations of the Court, speaking through Dr. Justice Arijit Pasayat, read as under:

*“8. It has been pointed out by this Court in a number of cases that representations would not be adequate explanation to take care of delay. This was first stated in **K.V. Raja Lakshmiah v. State of Mysore (AIR 1967 Supreme Court 993)**. There is a limit to the time which can be considered reasonable for making representations and if the Government had turned down one representation the making of another representation on similar lines will not explain the delay. In **State of Orissa v. Sri Pyarimohan Samantaray, (AIR 1976 Supreme Court 2617)** making of repeated representations was not regarded as satisfactory explanation of the delay. In that case the petition had been dismissed for delay alone. (See **State of Orissa v. Arun Kumar (AIR 1976 Supreme Court 1639)** also).*

*9. In the case of pension the cause of action actually continues from month to month. That, however, cannot be a ground to overlook delay in filing the petition. It would depend upon the fact of each case. **If petition is filed beyond a reasonable period say three years normally the Court would reject the same or restrict the relief which could be granted to a reasonable period of about three years.** The High Court did not examine whether on merit appellant had a case. If on merits it would have found that there was no scope for interference, it would have dismissed the writ petition on that score alone.”*

(Emphasis added)

12. It is thus evident that the continuing nature of the cause of action in pension matters does not, *ipso facto*, disentitle the Court from rejecting a belated claim altogether; the Court retains the discretion to either reject the claim or restrict the relief, depending upon the facts of each case.



A distinction must also be drawn between a case where the grievance genuinely concerns a pensionary entitlement, and a case where the real grievance is, in substance, the correctness of the pay fixed during service, with the deficiency in pension being merely a downstream consequence thereof. In the latter category of cases, the recurring cause of action subsists only for so long as the employee remains in service, since it is during that period that the wrongly computed salary is paid month after month. Upon superannuation, the wrong, if any, in the fixation of pay stands crystallized into a completed, one time act, since the pension is computed on the basis of the last pay drawn. An employee who chose not to agitate the correctness of his pay throughout his service cannot, years after retirement, revive a dead claim by relabelling it as a continuing deficiency in his pension.

13. However, the Hon'ble Supreme Court has also recognised certain cases wherein the arrears are not restricted to the aforementioned period of three years, and instead flow from the date on which the entitlement accrued. Recently, a two-Judge Bench of the Hon'ble Supreme Court in *Maya Banerjee v. Union of India, 2026 INSC 959* dealt with the claim of the widow of a Railway employee who had died in service on 12.11.2000. The appellant therein was an illiterate lady who was living separately from her husband and was earning her livelihood as a domestic help. Her husband was dismissed from service after his death, contrary to the Railway Board's own circular, and her claim was later rejected on the ground of a discrepancy in the date of death, which she had to get declared through a civil suit. The High Court granted family pension to her only from the year 2014, when she first approached the Central Administrative



Tribunal. The Hon'ble Apex Court noticed that *Union of India v. Tarsem Singh, (2008) 8 SCC 648*, which restricts arrears normally to a period of three years prior to the filing of the writ petition, had not taken into consideration the earlier view of a Bench of equal strength in *S.K. Mastan Bee v. General Manager, South Central Railway, (2003) 1 SCC 184*. In the latter case, it was held that the employer was obliged to compute and offer family pension to the widow of its employee as soon as it fell due, without driving her to litigation. Following *S.K. Mastan Bee (supra)*, the Hon'ble Supreme Court in *Maya Banerjee (supra)*, held as under:

“21. In our considered view, considering the right of an individual to receive family pension which is held akin to a valuable right and property in her hand and is no longer treated as a bounty, restricting the same from 2014 onwards would not only be arbitrary, but it will amount to inflicting injustice upon a poor widow who was earning livelihood by working as a house maid in the neighbourhood when her husband died in harness. Not only that her husband was dismissed after his death which was impermissible as per the Railway Board's own circular, the appellant's subsequent representation claiming family pension was rejected on the ground of incongruity as to the date of death of her late husband. The appellant had to file a civil suit to obtain a declaration as to the exact date of death of her husband, for which otherwise, a death certificate, a statutory document, had already been issued in her favour. Thus, the appellant was not at fault in laying the delayed challenge to the Railways' refusal to grant family pension to her. In our view, the ratio in S.K. Mastan Bee (supra) has dealt with the specific issue of restricting the past arrears of pension in more appropriate manner and the same having not been considered by the latter Bench of equal strength in Tarsem Singh (supra), the only choice open to us is to rely on S.K. Mastan Bee (supra) to allow the present Appeals.

22. In view of the settled legal position as to the binding value of the earlier judgments, we are persuaded to follow the principles laid down by this Court in *S.K. Mastan Bee (supra)* and, as a consequence, we allow the present Appeals and modify the order passed by the High Court to direct that the appellant shall be entitled to family pension from the date of death of her husband i.e.,



from 12.11.2000. *The entire arrears shall be paid to the appellant with interest at the rate of 6% per annum within a period of three months from today.”*

(Emphasis added)

14. Moreover, in **CWP-15497 of 2026**, titled as ‘**Union of India v. Ex. HAV Om Prakash**’, decided on 18.05.2026, the Union of India had assailed an order of the Armed Forces Tribunal granting the benefit of rounding off of the disability element of disability pension from 20% to 50% with effect from 01.01.1996, along with arrears for the entire intervening period. Relying upon **Shiv Dass (supra)**, it was contended that the arrears ought to be restricted to three years preceding the filing of the Original Application. The Division Bench of this Court, while relying upon the judgment of the Hon’ble Supreme Court in **Union of India v. SGT Girish Kumar, 2026 INSC 149**, categorically held that disability pension is a valuable right, and once found due, the arrears must flow from the date on which the benefit became due. The Division Bench observed as follows in this regard:

*“5. The issue in the present case is only with regard to grant of benefit of rounding off from the year 1996, to which, learned counsel for the petitioners has raised an objection. The said issue is no longer res integra as the said issue qua grant of arrears to the army personnel, which issue has been in dispute somewhat, has been settled by the Hon'ble Supreme Court of India in a recently passed judgment in **Civil Appeal Nos. 6820-6824 of 2018 titled as Union of India through Secretary and others vs. SGT Girish Kumar and others, decided on 12.02.2026, whereby the Hon'ble Supreme Court of India has held that " pensionary entitlements partake the character of property and same is neither a bounty nor ex-gratia payment and same cannot be withheld, reduced or extinguished except by authority of law.** The Hon'ble Supreme Court of India has further held that UOI has taken a conscious policy decision so as to grant benefit of arrears of disability pension to all eligible ex-servicemen from 01.01.1996 or 01.01.2006 as the case may be, which is clear*



from para 2 of letter dated 15.09.2014 issued by Deputy Secretary (Pension), Government of India and by letter dated 10.10.2018 issued by Director, Department of Pension and Pensioner's Welfare, wherein also same benefit was granted to all eligible from 01.01.1996 or 01.01.2006, as the case may be. The relevant paragraphs No.15 to 21 of the judgment in **SGT Girish Kumar's case (supra)** are as under:-

xxx

xxx

xxx

6. Further, as per the settled principle of law settled by the Hon'ble Supreme Court of India in **Civil Appeal No.3086 of 2012 titled "Balbir Singh vs. Union of India and others"**, decided on **08.04.2016**, wherein also the question for consideration was regarding limiting the benefits of arrears admissible for a period of three years, wherein the benefit of arrears for the entire period, as was being claimed by the claimant was granted to the claimant, the Hon'ble Supreme Court of India held as under:

"XXX....The Tribunal was therefore justified in restoring the service element of the pension in favour of the appellant. The question however is whether the arrears could have been restricted to three years only. The Tribunal in our view need not have done so. That is because the appellant had a right to receive service element of the pension in light of Regulation 186 (supra), which right was valuable and ought to have been protected.

We accordingly allow this appeal and modify the order passed by the Tribunal with the direction that the appellant shall be paid service element of the pension with effect from the date the said payment was stopped by the respondents. We however grant to the respondents three months time to calculate and release the arrears in favour of the appellant. In case the needful is not done within the time stipulated, the arrears payable to the appellant shall start earning interest at the rate of 9% from the date the period of three months expires till actual payment of the amount."

7. Keeping in view the facts and circumstances of the present case as well as settled principle of law settled in Ram Avtar's case (supra), Reet MP Singh's case (supra), Balbir Singh's case (supra), and SGT Girish Kumar's case (supra) claim of respondent No.1 for the benefit of rounding off of the disability from 20% to 50% and for grant of arrears has rightly been allowed by the Tribunal.

8. Further, learned counsel for the petitioners has relied upon the



judgment in Union of India and others Versus Tarsem Singh, (2008) 8 SCC 648. However, the said judgment has already been discussed in SGT Girish Kumar's case (supra)."

(Emphasis added)

15. In view of the aforementioned precedents, the principles regarding delay and laches, as applicable to service disputes, may be summarised as under:

The General Rule: A writ court, in exercise of its discretionary jurisdiction under Article 226 of the Constitution of India, does not ordinarily entertain a stale service claim raised after an inordinate and unexplained delay. A person who has slept over his rights cannot, at his own convenience, unsettle matters that have attained finality. Repeated representations neither keep a stale claim alive nor furnish a fresh cause of action. [*State of Uttaranchal v. Shiv Charan Singh Bhandari, (2013) 12 SCC 179*]

The rigour of the aforesaid rule, however, depends upon the **nature of the wrong** complained of. Service disputes may broadly fall into **three categories**:

1. **Category I: Claims defeated by delay** - A belated claim will not ordinarily be entertained, unless the delay is satisfactorily explained, in the following cases:

a. Where the grievance arises from a **one-time act** or decision that is complete in itself, such as an order of termination, dismissal or non-selection, and is **not a continuing wrong**. The cause of action in such a case arises once, on the date of the act, and does not recur.



b. Where the grievance relates to **seniority or promotion**, and reopening the issue would unsettle the rights of third parties who have in the meantime attained a settled position. A person aggrieved by the promotion of his junior is expected to approach the Court within six months to a year of such promotion. [CWP-2096 of 2026, titled as '*Gopal Singh v. State of Haryana*', decided on 28.01.2026, as upheld by the Division Bench of this Court in LPA No.610 of 2026; *B.S. Bajwa v. State of Punjab*, (1998) 2 SCC 523; *P.S. Sadasivaswamy v. State of Tamil Nadu*, (1975) 1 SCC 152]

c. Where a **retired** employee's real grievance is the **correctness of the pay fixed during his service**, and the **deficiency in pension is merely a consequence** of it. The recurring cause of action in such a case subsists only while the employee remains in service. On superannuation, the alleged wrong crystallises into a completed, one-time act, since pension is computed on the last pay drawn. An employee who did not question his pay during service cannot, years after retirement, revive the claim by describing it as a continuing deficiency in pension. [CWP No.1113 of 2026, titled as '*Ajit Singh versus Punjab Mandi Board and others*', decided on 19.01.2026; *Prem Nath versus State of Punjab*, 2018(2) SCT 687]

2. Category II: Claims entertained, but arrears restricted - Where the **wrong is a continuing one**, a fresh cause of action arises every month. The claim may therefore be entertained despite delay, but the **arrears**



are ordinarily restricted to three years preceding the filing of the writ petition. This category covers:

a. **Wrong fixation of pay**, so long as the **employee remains in service**. Correct fixation may be granted for the future, with arrears confined to the said period of three years. [*M.R. Gupta versus Union of India, (1995) 5 SCC 628; Union of India versus Tarsem Singh, (2008) 8 SCC 648; Saroj Kumari versus State of Punjab, 1998(3) SCT 664*]

b. Cases where the **pensionary entitlement is itself the subject matter of the wrong**. This includes a case where sanctioned pension is being paid at a lesser figure, a case where pension was wrongly computed at the threshold in violation of the applicable rules, and a case where pension has been denied altogether. Even so, the Court retains the discretion either to reject the claim on account of delay or to restrict the relief. [*Shiv Dass versus Union of India, (2007) 9 SCC 274*]

3. Category III: Claims where arrears flow from the date of entitlement - In the following cases, the **arrears are not restricted to three years**:

a. A **widow seeking family pension**, particularly where she is illiterate and unaware of her legal rights, and the employer was itself obliged to compute and offer the family pension without driving her to litigation. Family pension is a valuable right and not a bounty. It is ordinarily payable from the date of death of her



husband. [*S.K. Mastan Bee versus General Manager, South Central Railway, (2003) 1 SCC 184; Maya Banerjee versus Union of India, 2026 INSC 959*]

b. Disability pension payable to members of the Armed Forces.

Such pension is neither a bounty nor an *ex gratia* payment. It recognises an impairment attributable to military service and partakes of the character of property. Once the right is established, the benefit must flow from the date it became due. The State, as a model employer, must extend it uniformly to all similarly placed ex-servicemen. [*Union of India versus SGT Girish Kumar, 2026 INSC 149; CWP-15497 of 2026*, titled as '*Union of India versus Ex. HAV Om Prakash*', decided on 18.05.2026]

In determining the category into which a claim falls, the Court must look to the substance of the grievance and not to the label attached to it.

16. Adverting to the facts of the present case, the petitioner joined respondent No.3-College as a Peon on 17.05.1971 and was later promoted as Lab Attendant (Under-Matric). He retired on 31.05.2013, and his pension order was issued on 12.12.2013 (Annexure P-1). A perusal of record shows that the petitioner seeks placement in the pay scale of Rs.950-1500, instead of Rs.775-1025, with effect from 01.01.1986, at par with Matriculate Lab Attendants. The prayer for re-fixation of pension depends entirely upon this relief, since the petitioner seeks that his pension be recalculated by reckoning his pay in the higher scale. Therefore, the real grievance of the petitioner is the correctness of the pay scale granted to him during his



service. The deficiency in pension is merely a consequence of that grievance.

17. As noted above, such a grievance regarding wrong fixation of pay constitutes a continuing wrong only for so long as the employee remains in service, since it is during that period that the allegedly deficient salary is paid every month. The petitioner, however, retired on 31.05.2013 and the present petition has been filed more than a decade after his retirement. The claim of the petitioner, therefore, squarely falls within **Category I(c)** delineated hereinabove, and it cannot be treated as a continuing cause of action. Repeated representations will not keep the claim alive and no proper explanation has been offered by learned counsel for the petitioner for the delay in filing the present petition.

18. In view of the foregoing discussion, this Court does not find it appropriate to invoke its extraordinary writ jurisdiction under Article 226 of the Constitution of India. Accordingly, the present petition stands dismissed.

19. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

28.09.2026

Puneet Chawla

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No