

**HIGH COURT OF JAMMU AND KASHMIR  
AT JAMMU**

WP(C) No. 1599/2020 (O&M)  
(Through Video Conferencing)

Reserved on : 13.10.2020  
Pronounced on : 22.10.2020

Subash Chandra and another ...Petitioner(s)

Through:- Mohd. Ashraf Wani, Advocate

v/s

Commissioner State Road Transport Corporation Jammu and others  
....Respondent(s)

Through:-

**Coram: HON'BLE MR. JUSTICE RAJESH BINDAL, JUDGE**

**ORDER**

1. The petitioners who are between 65 to 71 years of age have filed the present petition, much after their retirement seeking direction to the respondents to release the Cost of Living Allowances (COLA)/Leave Salary and other benefits.

2. To claim the relief prayed for, reliance was placed upon a judgment passed by the Srinagar Bench of this Court in *SWP No. 1147/2016, titled All J&K Workers Union SRTC vs State and others, decided on 20.02.2020.*

3. Learned counsel for the petitioners submitted that petitioners herein are similarly situated as were the petitioners in All J&K Workers Union's case (supra). Once, the members of the union have been granted the benefits, the petitioners are also entitled to the same. They should not be discriminated.

4. After hearing the learned counsel for the petitioners, in my opinion, the writ petition deserves to be dismissed on account of delay and laches. All the petitioners retired from service more than seven years prior to the filing of the present petition. The relationship of master and a servant severed at that stage. Any benefit which are due to an employee during his service carrier have to be claimed while he is in service or at the most, may be immediately after retirement. The same cannot be claimed more than seven years after the retirement even if in some cases pending before the Court such relief was granted to the employees, who may be in service. The judgments of the Court do not give any cause of action. They only declare the law; 'as was', 'as is'. As to whether a relief claimed for by a litigant can be declined to him on account of delay and laches, reference can be made to a judgment of Division Bench of this Court in *LPA No. 210/2019, titled as Farooq Ahmed vs. State of J&K and others, decided on 21.08.2019.*

5. Considering the aforesaid facts, there is no merit in the present petition. The same is accordingly, dismissed on account of delay and laches only.

**(RAJESH BINDAL)**  
**JUDGE**

JAMMU  
22.10.2020  
SUNIL-I

Whether the order is speaking : Yes/No  
Whether the order is reportable : Yes/No