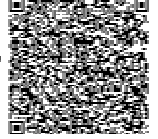


2025:PHHC:021303-DB

LPA-422-2025 (O&M)
Date of Decision: 14.02.2025

Vidya Sagar

...Appellant

Vs.

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: None for the appellant.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. Request for Passover was made in the first round, however, in the second round, no one appears on behalf of the appellant.

2. The appellant had preferred a writ petition before this Court claiming counting of the period of service rendered by him with the Haryana Agro Industries Corporation for the purpose of counting his total qualifying service for pension.

3. Learned Single Judge has dismissed his writ petition making the following observations:

“6. From the perusal of above-cited order, it is evident that petitioner while filing writ petition in 2014 was interested to get pension as per his 9 years 9 months and 17 days service. He got pension in view of orders of this Court. After getting pension, he changed his mind and started another set of litigation claiming that pension should be determined after including period of service rendered with HAICL. The said issue could be raised at

that stage but petitioner was interested firstly to create his right of pension and as soon as pension was granted, he turned around and started making claim to the effect that his non-pensionable service should also be counted towards pensionary benefits. The claim of petitioner is hit by principle of constructive res judicata apart from delay and laches. The petitioner retired in 2000 and instant petition has been filed in 2025.

7. In view of above discussion and findings, principles of res judicata and delay & laches, this Court does not find it appropriate to interfere with the impugned orders dated 13.11.2024 (Annexure P-9) and 21.03.2024 (Annexure P-10). The petition being barred by limitation and principle of res judicata deserves to be dismissed and accordingly dismissed.”

4. We find that apart from the observations as above, the appellant himself has admitted that the services rendered by him with Haryana Agro Industries Corporation was not pensionable. The services, therefore, rendered in the said corporation which is an autonomous body, cannot be counted for the purposes of counting the total qualifying service. Further, the appellant himself had not claimed the said benefit at the time of filing his first writ petition and only prayed that the period of nine years and ten months be treated as ten years for granting him pension. The same was allowed by the learned Single Judge at that relevant time on 18.11.2016. It is another issue that the appeal preferred by the Director, Industries and Commerce bearing

LPA-1300-2017, was dismissed on account of delay and laches. However, so far as the appellant is concerned, he is bound by his conduct as he had not claimed the said benefit while filing the earlier writ petition.

5. In view thereof, the appeal is found to be without merit and is accordingly dismissed.

6. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

14.02.2025
rajesh

1. Whether speaking/reasoned? : Yes/No
2. Whether reportable? : Yes/No