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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8355-2025

Date of Decision: 08.04.2025

OM PARKASH

..... PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Bhupinder Malik, Advocate
for the petitioner.
Mr. Harish Nain, AAG, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order, dated 10.06.2024, whereby the petitioner's claim for arrears of higher remuneration as re-employed Extension Lecturer has been declined on the ground that he has not been a party to LPA-733-2024 passed against the judgment rendered in CWP-15144-2021 titled *Dr. Balwinder Singh and another v. State of Haryana and others*.

2. Learned counsel for the petitioner has contended that the petitioner was working as Assistant/Associate Professor in the College and retired from service with effect from 31.03.2019. He was re-employed as Extension Lecturer (Geography) in respondent no. 3/College on 19.08.2019 on a remuneration of ₹57,700, and worked as such upto 06.03.2023.



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However, it was reduced to ₹35,400 as per clause 11 of the 'Policy guidelines regarding engaging eligible Extension Lecturers in the Government College purely on work requirement basis', issued on 04.03.2020. Since the clause has been held arbitrary and illegal, and has been quashed by this Court in *Dr. Balwinder Singh* case, against which an LPA has also been dismissed by the Division Bench vide order dated 24.04.2024, the petitioner is entitled to the arrears of full remuneration for the period he has worked as re-employed Extension Lecturer. It is also contended that there is no delay in filing the petition as the petitioner could have approached the Court only after final decision of the said LPA in the matter, and by that time he had already been relieved.

3. Learned State counsel, on the contrary, contends that there is unexplained delay in filing the instant petition and the benefit in terms of *Dr. Balwinder Singh* case cannot be given to the petitioner as he never claimed the same while in service.

4. Heard.

5. Undisputedly, the petitioner's remuneration was reduced in terms of clause 11 of the Policy with effect from 04.03.2020, but he has filed the present petition claiming the arrears after about five years therefrom on the ground that in another matter this Court declared the said clause illegal holding the retired teachers engaged as Extension Lecturers entitled to full remuneration. The claim that the petitioner will also be entitled to the same benefit though he stands relieved from service after working on the reduced remuneration for about three years, is too far-fetched to be accepted. By



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working as such he acquiesced to the reduced remuneration, and cannot be permitted to challenge the same after the inordinate delay. As it would amount to entertaining a stale claim, that too is case of a fence-sitter who, instead of agitating his rights at appropriate stage, chose to await the decision of pending litigation to take benefit of a favourable outcome. A reference in this regard can be made to the law laid down in *State of Uttar Pradesh and others v. Arvind Kumar Srivastava and others*, (2015) 1 SCC 347, which is as under:

22.2. However, this principle is subject to well-recognised exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.

8. In view thereof, there is no ground to entertain the petition and it stands dismissed.

08.04.2025

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(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*