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

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Date of Decision: 14.07.2026

SMT ANITA YADAV

.....Petitioner

VERSUS**STATE OF HARYANA AND OTHERS**

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Gaurav Jain, Advocate for the petitioner.

Mr. Rahul Dev Singh, Addl. AG Haryana.

HARPREET SINGH BRAR, J. (Oral)

1. The present Civil Writ Petition has been filed under Articles 226 and 227 of the Constitution of India seeking issuance of an appropriate writ, order, or direction in the nature of *mandamus* directing the respondent-Department to grant and release the benefit of the ACP Scheme to the petitioner, along with all consequential benefits, including arrears and interest, on the ground that not even a single ACP benefit was granted to her throughout her entire service tenure. A further prayer has been made for issuance of a writ in the nature of *certiorari* for quashing the impugned action of the respondents in denying the ACP benefits to the petitioner and in failing to decide her legal notice dated 22.04.2026 (Annexure P-2).

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2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was appointed as a Science Mistress on an *ad hoc* basis on 12.11.1986 and her services were regularized with effect from 01.01.1991. It is submitted that the petitioner voluntarily retired from service on 21.01.2013 due to matrimonial disturbances. At the time of her retirement, neither any departmental enquiry nor any disciplinary proceedings were pending against her.

2.1. Learned counsel further submits that despite rendering more than 26 years of continuous service, the petitioner was not granted the benefit of even a single Assured Career Progression (ACP) during her entire service tenure, though she was fully eligible and entitled to the same. It is argued that under the Haryana Civil Services (Assured Career Progression) Rules, 2016, the petitioner is entitled to the grant of ACP benefits along with all consequential monetary and service benefits.

2.2. It is further contended that the Principal of the school had addressed a communication dated 05.02.2014 (Annexure P-1) to respondent No.3 recommending the grant of ACP benefits to the petitioner; however, no action was taken thereon. Learned counsel submits that despite repeated representations and personal approaches made by the petitioner before the competent authorities, her legitimate claim has remained unattended.

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2.3. It is also argued that the petitioner served a legal notice dated 22.04.2026 (Annexure P-2) upon the respondents seeking redressal of her grievance, but the same has neither been considered nor decided. Such inaction on the part of the respondents, despite the petitioner's undisputed entitlement, is stated to be arbitrary, unreasonable, and violative of Articles 14 and 16 of the Constitution of India.

3. Notice of motion.

4. Mr. Rahul Dev Singh, learned Additional Advocate General, Haryana, appears and accepts notice on behalf of the respondent-State and opposes the prayer made by learned counsel for the petitioner. He submits that the present writ petition is hopelessly barred by delay and laches. It is contended that the petitioner retired from service on 21.01.2013 and, during her entire service tenure, never raised any grievance or asserted any claim regarding the grant of ACP benefits. It is argued that, under the guise of the present writ petition, the petitioner seeks revision of her pay after an inordinate delay, which cannot be entertained in exercise of the writ jurisdiction of this Court.

5. Having heard the submissions advanced by learned counsel for the parties and upon perusal of the record with their able assistance, it transpires that the petitioner was initially appointed as a Science Mistress on an *ad hoc* basis on 12.11.1986 and her services were regularized with effect

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from 01.01.1991. The petitioner voluntarily retired from service on 21.01.2013. Admittedly, no grievance regarding non-grant of ACP benefits was ever raised by the petitioner during her service tenure. It is only after more than thirteen years of her retirement that the petitioner sought to agitate her claim by serving a legal notice dated 22.04.2026 (Annexure P-2). Thus, after her retirement, there remained no recurring or continuing cause of action so as to invoke the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India.

6. However, 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 Court 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),

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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 supplied)

7. Applying the aforesaid principles to the facts of the present case, this Court finds that the petitioner voluntarily retired from service on 21.01.2013 and, admittedly, never raised any grievance regarding the non-grant of ACP benefits during her entire service tenure. The first attempt to assert such a claim was made only by serving a legal notice dated 22.04.2026, i.e. after more than thirteen years of her retirement. In view of the law laid down in *Prem Nath (supra)*, the plea of continuing wrong is not available to the petitioner after cessation of service, as the right to seek correct pay fixation survives only during the subsistence of the employer-employee relationship. Once the petitioner retired from service, no recurring or continuing cause of action survived so as to justify invocation of the

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extraordinary writ jurisdiction of this Court after such an inordinate and unexplained delay.

8. The petitioner has neither pleaded nor established any exceptional circumstance warranting interference despite the gross delay. It is well settled that the extraordinary jurisdiction under Article 226 of the Constitution of India is equitable and discretionary in nature, and a person who sleeps over his or her rights cannot seek to revive a stale claim merely because similar relief may have been granted to other employees. Entertaining such belated claims would defeat the settled principles governing delay and laches and would unsettle matters that have attained finality.

9. Accordingly, this Court finds no ground to entertain the present writ petition, which is hopelessly barred by delay and laches and is, therefore dismissed.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

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parul verma

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