

Court No. - 8

Case :- WRIT - A No. - 4309 of 2023

Petitioner :- Gulzari Lal

Respondent :- State Of U.P Thru. Addl. Chief Secy. Irrigation And Water Resources Deptt. Lko And Another

Counsel for Petitioner :- Rakesh Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh, J.

1. Heard Rakesh Kumar Singh, learned counsel appearing for the petitioner and learned Additional Chief Standing Counsel appearing for the State.

2. Present petition under Article 226 of the Constitution of India has been filed seeking a writ of mandamus commanding and directing the opposite parties to consider the promotion of the petitioner on the post of Superintending Engineer on Notional basis with all consequential service benefits in view of the law settled by the Hon'ble Apex Court in the case of R.K. Singh vs State of U.P., reported in 1991 Suppl 2 SCC 126.

3. The petitioner got retired from the post of Executive Engineer on 30.06.1999. The petitioner is seeking his promotion 24 years after his retirement. Ground for seeking promotion is that punishment order for recovery of Rs.15,702/- has been set aside by the Government vide order dated 24.11.2023. After 24 years from the date of his retirement and 20 years from the date of the order i.e. 24.11.2003, there is no ground to give direction for promotion of the petitioner to the post of Superintending Engineer. This Court cannot give any such direction as sought in the present petition after such a long delay and laches.

4. The petition is hereby ***dismissed*** on the ground of gross delay and laches as well as on merit.

(Dinesh Kumar Singh, J.)

Order Date :- 31.5.2023

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