

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5876 of 2007

B.L. Naik S/o Shri Bhog Singh R/o Kotra Road, Near Rambag, Kotra Road, Raigarh CG

---- Petitioner

Versus

1. State Of C .G., Through the Secretary, Department of SC / ST, DKS Bhawan, Raipur (CG)
2. Asstt. Commissioner, Raigarh District Raigarh, CG

---- Respondents

Shri Punit Ruparel and Shri Sunil Verma, counsel for the petitioner/s.
Shri Neeraj Kumar Sharma, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/12/2015

By this petition, the petitioner has assailed legality and validity of action of the respondents by which the officers junior to him have been promoted to the post of Superintendent vide order dated 13/11/1995.

2. Learned counsel for the petitioner submits that two of his juniors namely Shri P.N.Tiwari and Shri V.B.Singh were junior to him in service but they were promoted to the higher post of Superintendent vide order dated 13/11/1995 in supercession of the petitioner. The petitioner kept on making representations. The petitioner was belatedly promoted in the year 2006 vide order dated 29/12/06 as Superintendent. Thereafter, when petitioner's claim for grant of seniority over and above junior officers was not considered favourably, the petitioner filed this petition.

3. On the other hand, learned State counsel opposes prayer and submits that though the date of appointment of the petitioner was earlier to that of aforesaid two officers, later on, confirmation of the petitioner was delayed. The

other two officers were confirmed prior to the petitioner. The confirmation of the petitioner subsequent to the junior officers was not challenged by the petitioner in any proceedings. Therefore, the petitioner, later on became junior and in that capacity, he was considered for promotion only after promotion of other two officers. He also submits that this petition suffers from delay and laches in as much as the two officers stated to be juniors were promoted way back in the year 1995 but this petition has been filed by the petitioner after 12 years. Therefore, on this count, the petition is liable to be dismissed.

4. Shorn of unnecessary details, this petition is liable to be dismissed on the ground of delay and laches. It is well settled legal position that in the matter of supercession, grievance is required to be promptly ventilated through properly constituted proceedings before the Court within a reasonable time. In the present case, the other two officers were promoted to the next higher post of Superintendent way back on 13/11/1995. The petitioner, thereafter only kept on representing. After 11 years, petitioner was promoted in the year 2006. It was only thereafter, in 2007, this petition came to be filed. Therefore, the petitioner suffers from delay and laches and only on this ground, the petition is liable to be dismissed. [*Please see : Shiba Shankar Mohapatra and others Vs. State of Orissa and others, (2010) 12 SCC 471*]

5. At this stage, learned counsel for the petitioner submits that he has now been retired and he is apprehending that his retiral dues and all benefits may not be released because this petition has remained pending.

6. Before parting with the case, it is observed that any retiral dues which have remained withheld or pending because of the pendency of this petition may be immediately released in favour of the petitioner at the earliest so that he can get all his retiral benefits to live peacefully his retired life.

The petition is accordingly finally disposed off.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**