

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3355 of 2015

1. Syed Zakir Ali S/o Shri Sarfaraz Ali, Aged About 40 Years R/o S. MIG-119, Block C, Vijeta Complex, New Rajendra Nagar, P. O. & PS New Rajendra Nagar Raipur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Secretary, Government Of Chhattisgarh, General Administration Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh
2. Smt. Indu Sharma, Occupation : Stenographer O/o. Secretary, Government Of Chhattisgarh, Women And Child Development Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh

---- Respondent

For Petitioner	Shri Kshitij Sharma, Advocate
For Respondent/State	Ms. Astha Sharma, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

23/09/2015

1. Petitioner has preferred this writ petition seeking quashment of the orders dated 6-12-2007, 26-7-2010 & 27-7-2011 as also for a direction to the respondent No.1 to consider his case for fixing seniority and thereafter promotion to the post of Personal Assistant over and above the respondent No.2 w.e.f. 25-1-2004.
2. Admittedly, the first representation of the petitioner was rejected on 6-12-2007 i.e. about 8 years back.

3. After placing reliance upon various decisions, the Supreme Court in **Shiba Shankar Mohapatra and Others v. State of Orissa and Others**¹ held that a person aggrieved by an order promoting a junior over his head should approach the Court at least within 6 months or at the most a year of such promotion.
4. In **S.S. Balu and Another v. State of Kerala and Others**² it has been held by the Supreme Court that even the relief is claimed on the principle of parity, the same is not admissible when the petition suffers from delay and laches.
5. Delay has always been considered vital in service matters especially with regard to promotion. In **P.S. Sadasivaswamy v. State of Tamilnadu**³ the Supreme Court has held that it would be a sound and wise exercise of discretion under Article 226 that the Court should not entertain claims regarding seniority after an approximate period of six months from the date of cause of action to prevent clogging the dockets of the Court and which would impede the work of the Court in considering legitimate grievances timely.
6. Considering the above said well settled principles, without expressing any opinion on the merits of the case, the writ petition is dismissed on the ground of delay and laches.

Sd/-

Judge

Prashant Kumar Mishra

Gowri

1 (2010) 12 SCC 471

2 (2009) 2 SCC 479

3 (1975) 1 SCC 152