

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

LPA No. 1907 of 2014 (O&M)

DATE OF DECISION : 02.03.2015

Raj Pal

.... APPELLANT

Versus

State of Haryana and another

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Aman Bansal, Advocate,
for the appellant.

* * *

SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 28.08.2014 passed by the learned Single Judge, whereby the writ petition (CWP No. 16522 of 2014) filed by the appellant herein seeking direction to the respondents to promote him on the post of Assistant Revenue Clerk, after treating him to be in service since 1997, has been dismissed on the ground of delay and laches as well as by observing that even on merits, the appellant has no case.

Though there is delay of 2 days in filing the instant appeal and the appellant has filed an application (CM No. 4025-LPA of 2014) for condoning the delay, yet we have heard learned counsel for the appellant on merits and have gone through the order passed by the learned Single Judge.

Undisputedly, the appellant was interviewed for the post of Canal Patwari in the year 1997, but he was not given appointment by the respondents on the ground that he was not eligible for the said appointment. He challenged the said action of the respondents by filing a writ petition in this court, which was dismissed and ultimately, the Apex Court vide order dated 10.10.2001 allowed the claim of the appellant. Consequently, he was appointed on the post of Canal Patwari on 27.02.2002. After his said appointment, the appellant never claimed that he should be treated to be appointed with effect from the year 1997. After more than 12 years of his appointment, in the year 2014, the appellant filed the aforesaid writ petition seeking direction to the respondents to promote him on the post of Assistant Revenue Clerk, after treating him to be in service since 1997.

We are of the opinion that the appellant is not entitled to take the benefit of the period from the year 1997 till the date of his appointment on 27.02.2002. The actual appointment of the appellant, which was made on 27.02.2002, cannot be taken from the year 1997. Therefore, the appellant is not legally entitled to claim benefit of the said period to be counted for the purpose of granting him promotion. If we take the appointment of the appellant with effect from 1997, it will affect the seniority of many persons who are not even party to this lis. Even otherwise, the claim of the appellant is totally barred by the principle of delay and laches. He filed the aforesaid writ petition after more than 12 years of his actual appointment, which has

rightly not been entertained by the learned Single Judge. Thus, we are of the opinion that the learned Single Judge has rightly rejected the claim of the appellant.

No merit.

Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

March 02, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE