

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

RSA No. 2091 of 1988
Date of decision:30.08.2016

Madan Lal Jain

....Petitioner

Versus

The State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Kapil Shrama, Advocate,
for the petitioner.

Mr. Anil Mehta, DAG, Punjab.

P.B. BAJANTHRI, J. (Oral)

The appellant has questioned the validity of the trial Court order dated 19.8.1983 and appellate Court order dated 11.05.1988.

Brief facts of the case are that the appellant was appointed as Block Level Extension officer (Industries) on 01.04.1957. On 17.12.1964 he was promoted to the post of Assistant District Industries Officer. Further promotion to the Cadre of Assistant Director of Industries was denied and his juniors were promoted on 14.05.1971 and 01.06.1971. Appellants for the first time submitted representation in the year 1980 to consider his name for promotion to the cadre of Assistant Director. The same was rejected on 05.11.1980.

Feeling aggrieved by the rejection, the petitioner filed a writ petition bearing CWP No.2213 of 1980 before this Court, which

was dismissed as withdrawn on 05.12.1980. The petitioner preferred suit before trial Court on 02.06.1981. During the pendency of the suit, adverse remarks for the year 1969-1970, which was agitated by the appellant before the Government, was considered and the opinion has been formed by the then Chief Secretary. His opinion Ex. PA was made available to the Trial Court. Perusal of Ex. PA shows that it is only an opinion of the Chief Secretary *“in the opinion of this Department the remarks in question relating integrity of the officer cannot be taken as adverse remarks because the view taken by the reporting officer cannot constitute a definite opinion about integrity of the officer”*. The appellant failed to approach the concerned respondent for seeking promotion to the cadre of Assistant Director pursuant to the opinion given by the Chief Secretary. On the other hand he was pursuing the suit filed before the Trial Court. Assuming that adverse remarks have been expunged based on the opinion of the Chief Secretary but still question of delay would come in the way of granting any relief to the appellant, for the reasons that the appellant had cause of action in the month of October 1984, the date on which the Chief Secretary had opined that adverse entries are not correct. Later appellant filed the suit on 02.6.1981, whereas the juniors were promoted on 14.05.1971 and 01.06.1971 respectively, after almost delay of one decade. Therefore, there is no error committed by the trial Court as well as appellate Court in rejecting claim of the appellant on the ground of delay. Hon'ble Supreme Court in ***P.S. Sadasivaswamy Vs. State of Tamil Nadu 1975 (1) SCC 152*** has held

that in respect of promotion employee should approach Court within a reasonable period. In the present case there is delay of ten years in approaching trial Court, therefore the appellant has not made out a case so as to interfere with the trial Court and appellate Court order.

Appeal stand dismissed.

30.08.2016

PA

(P.B. BAJANTHRI)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No