

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

Date of decision: 07.04.2016

CWP No.9632 of 1997

Dharam Pal Singh

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vipin Mahajan, Advocate, for the petitioner.

Mr. Harkesh Manuja, Addl. AG, Punjab,
for respondent No.1.

Mr. Anil Malhotra, Advocate,
for respondents No.2, 3 & 5.

1. *To be referred to the Reporters or not? Yes.*
2. *Whether the judgment should be reported in the Digest? Yes.*

RAJIV NARAIN RAINA, J. (ORAL)

On receiving telephonic instructions from respondent No.2 – Punjab Mandi Board, Mr. Malhotra states at the Bar that the petitioner retired as an Accountant from Market Committee, Batala on 31st December, 2006. The claim in this petition is for promotion to the post of Assistant Secretary, Market Committee and the challenge is to the promotion of the private respondents No.4 to 9 to the higher post. Ignored for promotion, the claim is based on higher merit determined by the Selection Committee constituted to make recommendations on merits. These promotions were challenged in the year 1997 although they were made in the years 1992 & 1995 vide office orders Annex P-4 & P-6.

It is settled proposition of law that in the matter of seniority and promotion, the aggrieved person should approach the Court at the earliest and at least within six months or at the most a year of the promotions complained of. For this *see* P.S.Sadasivaswamy Vs. State of Tamil Nadu, AIR 1975 SC 2271.

Suffice it to say that the present promotions by selection was also subject matter of challenge in CWP No.416 of 1993 titled 'Devinder Singh Mehta vs. Punjab Mandi Board', which petition was dismissed by the Division Bench of this Court on 19th August, 1993 finding no ground to interfere in the matter. This more or less puts an end to the claim. The Mandi Board has pleaded delay and laches in its written statement while contesting this case. It appears that the claim of petitioner was based on vacancies arising prior to the rules coming into force. It is asserted by the Board that there were a number of persons who were senior to the petitioner, which are eligible for consideration for promotion and who have not been promoted and this fact was conveyed to the petitioner on 11th August, 1993. Apart from delay and laches, the present petition suffers from bar of limitation as well and in case a suit was brought against the cause of action, it would have been dismissed with more than 3 years passing by before the challenge was brought. For this *see*: State of Madhya Pradesh Vs. Bhailal Bhai & others, AIR 1964 SC 1006; 1964 SCR (6) 261 the Supreme Court holding that where a civil suit is barred, it would be prudent for the writ court not to entertain the petition and cause interference.

I find no merit in the petition and would dismiss the same.

07.04.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE