

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 1130 of 2016
Date of decision: 25.01.2016

Satpal SinghPetitioner(s)

Versus

State of Punjab and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Manish Dadwal, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks quashing of the order dated 17.08.2015/07.09.2015 (Annexure P-9) and claims direction for the fixing of the seniority of the petitioner as per the law laid down by the Apex Court in *Ajit Singh Janjua and others (II) vs. State of Punjab and others, 1999 (7) SCC 209*.

It is not disputed that the petitioner was appointed on 08.12.1978 as Punjabi Teacher and thereafter promoted on 26.06.1994 as a Master. The petitioner, admittedly, retired on 31.03.2015. The claim is based on the instructions dated 22.10.1999 (Annexure P-1).

Nothing has been placed on record to show that from the year 1999 to 2015, he made any such representation for the alleged claim now which has been raised at the fag end of his service career by filing a representation on 27.02.2015 (Annexure P-7) one month from his superannuation. The law is well settled on the issue of limitation that any rights of seniority are to be agitated at the earliest. Reference can be made to the judgment of the Apex Court in *P.S. Sadasivaswamy vs. State of*

Tamil Nadu, 1975 (2) SCR 356 wherein, a period of outer limit of 6 months has been fixed. The same reads as under:-

“A person aggrieved by an order of promoting a junior over his head should approach the Court at least within six months or at the most a year of such promotion. It is not that 'here is any period of limitation for the Courts to exercise their powers under [Article 226](#) nor is it that there can never be a case where the Courts cannot interfere in a matter after the passage of a certain length of time. But it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their extra-ordinary powers under [Article 226](#) in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put for-ward stale claims and try to unsettle settled matters. The petitioner's petition should, therefore have been dismissed in limine. Entertaining such petitions is a waste of time of the court. It clogs the work of the Court and impedes the work of the court in considering legitimate grievances as also its normal work. We consider that the High court was right in dismissing the appellants' petition as well as the appeal.

This appeal is dismissed with costs.

Appeal dismissed.”

Accordingly, this Court is of the opinion that merely on account of direction given earlier whereby, the petitioner reviewed a stale claim and has got an order against him, the petitioner cannot be held entitled to revive the issue which he had long given up. Even otherwise, the petitioner is seeking seniority from the date of his initial appointment in the Teacher cadre in 1978, which has been rightly rejected by the respondents.

Resultantly, this Court is not inclined to interfere and the present writ petition is dismissed in limine.

25.01.2016
shivani

(G.S. SANDHAWALIA)
JUDGE