

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

CWP No.1239 of 2016

Date of Decision:21.01.2016

Surinder Singh Basra

... Petitioner

Versus

State of Punjab & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sunil Agnihotri, Advocate,
for the petitioner.

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

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioner retired in the year 2005. The seniority list was finalized on July 27, 2000 where the petitioner was assigned 557 seniority position as Lecturer. According to the seniority list, the eligible persons till seniority position 300 (Male) Lecturers were considered for promotion to PES Group A. These promotions were made by the Government for promotion from the posts in Lecturer cadre to PES Group A on June 25, 2001 and thereafter on February 15, 2010. The petitioner had approached this Court through CWP No.15778 of 2014 in which the following order was passed:-

“The petitioner claims that he was entitled to be promoted as Principal in the year 2000. He stands retired in 2005. Evidently the petition is barred by delay and laches. The petitioner has submitted a representation. The respondents would be at liberty to evaluate the same in accordance with law.

Petition stands disposed of.”

2. The representation made by the petitioner has been rejected by the impugned order dated August 14, 2015 by the Director Higher Education, Punjab. To enforce his claim for ante-dated promotion w.e.f the year 2000 the petitioner approached this Court for the first time after 14 years which is highly belated, stale and dead. Ordinarily, a claim for promotion should be made within 6 months or at best 1 year from the date when the cause of action arises and person is aggrieved of being passed over, as guided by the Supreme Court in **P.S. Sadasivaswamy v. State of Tamil Nadu**, AIR 1974 SC 227, and several other decisions on the point. Even if one assumes that the right subsists, the remedy is taken away. A suit, if filed, for the same cause of action would be barred by law of limitation. If suit is barred then ordinarily the writ court would be prudent in refusing to entertain the claim in a petition, see **State of Madhya Pradesh v. Bhailal Bhai**, AIR 1964 SC 1006.

3. No ground for interference is made out in this case. The petition is ordered to stand dismissed on delay and laches.

(RAJIV NARAIN RAINA)
JUDGE

21.1.2016
monika