

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 16019 of 2016 (O/M)

Date of decision : 7.9.2016

Sudarshan Kumar Kapoor and another

..... Petitioner (s)

Versus

Chief Secretary to Government of Punjab and others

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. M.S. Bedi, Advocate, for the petitioners.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

CM-11089-CWP-2016

Representations moved by the petitioners (Annexures-P-7 to P-11) are taken on record.

Application is disposed of.

Main case

The petitioners retired from service as Under Secretary in the year 2000. The petitioners claim that in view of the judgment in case of Ajit Singh Janjua Versus State of Punjab, the Government issued instructions, vide letter dated 20.10.1999 (Annexure-P-1) regarding re-fixation of pay of general category officers equivalent to the wrongly promoted junior SCs Officers. It is claimed that one Balwant Singh, who belonged to SC category was promoted prior to the petitioners to the next higher post as per the last seniority list prepared by department and became senior to them. The petitioners made several representations for re-fixation of their pay equivalent to their junior. The said representations were made on

CWP No. 16019 of 2016 (O/M)

28.1.2003, 22.10.2003, 11.8.2004, 7.11.2006 and lastly on 24.5.2007 (Annexures-P-7 to P-11 respectively). Thereafter, the present writ petition was filed in the year 2016. The prayer of the learned counsel for the petitioners is that the Financial Commissioner (Revenue), Punjab, has passed the order dated 11.1.2016 (Annexure-P-5), granting similar relief to some other employees.

I am of the view that there is an inordinate delay in approaching this Court. The instructions (Annexure-P-1) were issued by the Government in the year 1999. The petitioners had filed the last representation (Annexure-P-11) in the year 2007 and thereafter, after nine years, the present writ petition has been filed, claiming the pay equal to Balwant Singh (SC Category), who, according to the petitioners, was wrongly promoted. The case also requires to record findings that Balwant Singh was wrongly promoted. Therefore, on account of inordinate delay and laches, the present writ petition is dismissed.

(KULDIP SINGH)
JUDGE

7.9.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No