

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP NO. 18067 OF 2016 (O&M)
DECIDED ON : 01.09.2016

RAJESH KUMAR SHARMA

...PETITIONER

VERSUS

THE PRINCIPAL SECRETARY CUM CHAIRMAN, HARYANA
TOURISM CORPORATION LIMITED AND ANOTHER

...RESPONDENTS

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present : Ms. Monika Jalota, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J. (ORAL)

The petitioner who is presently serving on the post of Technical Assistant under the Haryana Tourism Corporation Limited, seeks a writ of mandamus to direct the respondents to promote him to the post of Assistant Technical Officer w.e.f 23.12.1996 and to grant him all consequential benefits emanating therefrom.

Having heard learned counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that the petition is completely lacking in merits apart from setting up a highly belated claim.

A few relevant facts that emanate from the pleadings on record

may be noticed. The petitioner joined the respondent-Tourism Corporation

in the year 1996 as a Cinema Operator-cum-Attendant. He was promoted as T.V. Mechanic on 19.12.1991. The petitioner, thereafter, was promoted to the post of Technical Assistant on 16.06.1993.

Learned counsel submits that promotion from the post of Technical Assistant is to that of Assistant Technical Officer and the eligibility for consideration for such promotion is five years service on the post of Technical Assistant. In the instant petition preferred in the year 2016, it is sought to be contended that promotion of the petitioner as T.V Mechanic on 19.12.1991 was illegal, as there was no such post in the cadre and rather the petitioner should have been promoted as Technical Assistant on the relevant date i.e 19.12.1991. On the strength of said submission, it is being contended that if the promotion of the petitioner is viewed on the post of Technical Assistant w.e.f 19.12.1991, then he would be eligible for consideration to the post of Assistant Technical Officer w.e.f 19.12.1996.

On the face of it, the claim being set up by the petitioner apart from being totally misconceived, even suffers from inordinate delay and laches. At the stage of being promoted as T.V Mechanic on 19.12.1991, the petitioner never agitated his claim before the Court of law that said promotion was unwarranted and rather he should have been promoted on the post of Technical Assistant. Even as regards the claim of promotion to the post of Assistant Technical Officer is concerned, the same is being sought in the year 2016 but w.e.f 1996. The said claim cannot be entertained.

Learned counsel would make an attempt to overcome the issue of delay by referring to a communication dated 30.03.1999 and placed on

record and appended as Annexure P-14, whereunder the petitioner had been called upon to submit documents/certificates in support of his qualification as also technical qualification on the subject of promotion to the post of Assistant Technical Officer. Learned counsel further submits that after the year 1999 also, repeated representations had been made and as such, there was no fault of the petitioner.

Even such submission is being noticed, only to be rejected. Repeated representations cannot be accepted as good ground for overcoming the inordinate delay that has occurred.

Yet another fact that has weighed with this Court to decline interference is that during the course of arguments it has been conceded by the learned counsel that the post of Assistant Technical Officer and on which the petitioner is claiming promotion w.e.f 1996, has since been abolished. This Court is constrained to observe that the prayer raised in the present petition is utterly frivolous.

The writ petition is accordingly dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

SEPTEMBER 01, 2016
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Whether speaking/reasoned ?

YES/NO

Whether reportable ?

YES/NO