

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

118

CWP-23248-2016

DATE OF DECISION:10.11.2016

SHARMILA DEVI

... Petitioner

V.

STATE OF HARYANA &amp; ORS.

.. Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Gobind Sharma, Advocate  
for the petitioner.

\*\*\*\*

**ANUPINDER SINGH GREWAL, J. (ORAL)**

The petitioner is seeking a direction to the respondents to consider her for promotion from the date, her junior was promoted. The petitioner was appointed as JBT Teacher in the year, 1995. She was promoted to the post of Mistress, Home Science vide order dated 18.03.2016.

Learned counsel for the petitioner contends that when petitioner was promoted as Home Science Teacher on 18.03.2016, she learnt that respondent No.4, who was her junior, had been promoted in the year, 2000 and hence the petitioner also deserves to be promoted w.e.f. 30.03.2000. In support of his statement, learned counsel has also placed reliance upon the judgment of this Court in the case bearing **CWP No.4539 of 2010** titled as **Anita Kadian v. State of Haryana and another**, decided on **31.01.2011** and the judgment of the Supreme Court in **Prabhu Dayal Khandelwal v. Chairman, U.P.S.C. and Ors.** reported as **2015 (14) SCC 427**.

I have heard learned counsel for the petitioner.

The petitioner is seeking promotion with effect from the year, 2000 by preferring the instant petition in the year, 2016. There is no plausible

explanation as to why the petitioner waited for a period of over 16 years in claiming promotion, with effect from the date respondent No.4 had been promoted. The explanation offered by the petitioner that she learnt about the promotion of respondent No.4 only after she was promoted in the year 2016 is highly improbable and cannot be accepted. The petitioner is an educated person and was working as a JBT Teacher. It cannot be countenanced that she was unaware about the promotion of her junior in the year, 2000 and was silent for a period of 16 years before claiming promotion from a prior date. It is well settled that a litigant who approaches this Court for extraordinary discretionary relief under Article 226 of the Constitution of India, must do so promptly. A person who is not vigilant in agitating his rights, would not be entitled to invoke extraordinary writ jurisdiction. Reference can be made to the judgment of the Supreme Court in the case of **Chennai Metropolitan Water Supply and Sewerage Board and Others v. T.T. Murali Babu** reported as **(2014) 4 SCC 108**. It has been held by the Supreme Court in the case of **P.S. Sadasivaswamy v. The State of Tamil Nadu** reported as **1975 SCR (2) 356**, that a person aggrieved by an order of promotion should approach the Court within six months or at the most within a year after such promotion.

The judgments relied upon by the learned counsel for the petitioner are clearly distinguishable on facts and are not applicable to the instant case. In the case of **Prabhu Dayal Khandelwal v. Chairman, U.P.S.C. & Ors.** (supra), the un-communicated ACRs of the appellant therein were the basis for denying him promotion. The appellant had also been representing to the respondents repeatedly in that regard. In the case of **Anita Kadian v. State of Haryana and another** (supra), the petitioner, therein, had sought promotion with effect from the date, her junior had been promoted but there was no delay on her part in approaching this Court as there appears to be

neither any pleading to this effect nor any such finding has been recorded by the Court.

For these reasons, I do not find any merit in the case of the petitioner for promotion w.e.f. the year 2000.

In the result, the petition stands dismissed.

November 10, 2016

(ANUPINDER SINGH GREWAL)

JUDGE

SwarnjitS  
Note:

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No