

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

**CWP No.24579 of 2016 (O&M)
Date of decision : November 30, 2016**

Piara Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Maneesh Kumar Bali, Advocate for the petitioner.

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 ?

KULDIP SINGH J. (ORAL)

Petitioner was working as Inspector in Police Department. He was due for promotion as DSP. The Departmental Promotional Committee (in short 'DPC') was held on 23.12.2005 and the name of the petitioner was recommended for promotion to the rank of DSP.

Petitioner retired from service on 31.12.2005. The Government accepted the recommendation of DCP and passed the order 09.01.2006, which was notified on 10.01.2006, in which the petitioner was not promoted apparently on the ground that he has already retired from service. Petitioner claims that he had also filed representation on 08.11.2006 and then again on 15.01.2009 and the same were replied in the year 2015. Hence, the prayer is for promotion of the petitioner for DSP w.e.f. 23.12.2005 when the DPC recommended his name for promotion to the post of DSP.

After hearing learned counsel for the petitioner, I am of the view that there is inordinate delay and laches in approaching this Court.

The DCP only recommended the name of the petitioner for promotion to the

post of DSP. The recommendations were not binding on the Government. The Government could reject the recommendations or accept it partly. However, the Government accepted the recommendations only on 09.01.2006 when the petitioner had already retired from service i.e. on 31.12.2005. Therefore, the petitioner retired from service earlier and the recommendations of DPC were accepted later on.

The petitioner was working in the Police Department and knew about his rights. He waited for 11 years before approaching this Court.

The present petition is badly barred by delay and laches. Therefore, the same is accordingly dismissed.

(KULDIP SINGH)
JUDGE

November 30, 2016
sarita

Whether speaking / reasoned	Yes
Whether Reportable:	No