

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

Date of decision: 03.12.2016

CWP No.24991 of 2016

Shamsher Singh Sihag

...Petitioner

Vs.

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

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

RAJIV NARAIN RAINA, J. (ORAL)

The petitioner, who has been involved in litigation concluding in his favour in Regular Second Appeal, has approached this Court for consequential seniority and promotion as a result of the declaration made by the Civil Court in the civil suit for declaration etc. filed by him years ago. Meanwhile, the petitioner has retired from service. Once the petitioner elected his remedy before the Civil Court, he was bound to take up all his grounds and claim relief available to him in the plaint, failing which in subsequent litigation like the present one, offshoot prayers as made in this petition flowing from the same cause of action would be barred by the principles of Order 2 Rule 2 CPC which rule is meant to avoid multiplicity of proceedings. The petitioner has a remedy available to execute the decree drawn in his favour under the provisions of Order 21 CPC before the execution court, which process if initiated by the petitioner will without doubt be tried and concluded.

There is no gainsaying that issue of seniority and promotion should be raised within reasonable time of say no more than a year in

ordinary circumstances since the rights of innumerable third parties have settled down by passage of time not to be reopened to admit chaos. It is not an acceptable argument to contend that after retirement only personal rights are claimed notionally to re-determine pension etc. after decades and this can be ordered without disturbing the past. It is easily said than done. Any order passed in favour of the petitioner would open up a Pandora's box and lead to serious complications which the court cannot easily judicially manage if antedated seniority and promotions are granted only for the asking.

Consequently, the instant writ petition is found stale and is hereby dismissed.

However, the petitioner is free to apply for execution of the decree passed by the Civil Court in accordance with law, if not already launched.

03.12.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*