

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

**CWP No.304 of 2016
Decided on : 11.01.2016**

Gurdial Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.Z.S.Chauhan, Advocate, for the petitioner.

G.S. Sandhawalia , J. (Oral)

The petitioner challenges the order dated 15.01.2013 (Annexure P11) whereby his request to grant performa promotion as Senior Assistant since May, 1980, has been rejected. The ground for rejection is that the petitioner's promotion as Statistical Assistant was made on 21.08.1979, on the basis of seniority. On the basis of seniority, he was, thereafter, promoted as Technical Assistant. Thus, it is apparent that the petitioner was never in the cadre of Clerks for all this period.

It is not disputed that the petitioner retired on 31.05.2003 and now, is seeking to reopen the seniority, after more than a period of 35 years. It is settled principle that the principle of limitation applies in such cases and a person who has let his rights go, cannot reopen the issue after more than a decade of his superannuation.

The Apex Court has time and again in **P.S.Sadasivaswamy Vs. State of Tamil Nadu [1975 (2) SCR 356]** held that the issue of seniority has to be agitated within a period of 6 months. The relevant part reads as under:

"A person aggrieved by an order of promoting a junior over his head should approach the Court at least within six months or at the most a year of such promotion. It is not that there is any period of limitation for the Courts to exercise their powers under [Article 226](#) nor is it that there can never be a case where the Courts cannot interfere in a matter after the passage of a certain length of time. But it would be a sound and wise exercise of discretion for the KANCHAN 2014.09.29 15:50 I attest to the accuracy and integrity of this document Chandigarh CWP No. 16939 of 2014 3 Courts to refuse to exercise their extra-ordinary powers under [Article 226](#) in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle settled matters. The petitioner's petition should, therefore have been dismissed in limine. Entertaining such petitions is a waste of time of the Court. It clogs the work of the Court and impedes the work of the Court in considering legitimate grievances as also its normal work. We consider that the High Court was right in dismissing the appellant's petition as well as the appeal.

This appeal is dismissed with costs.

Appeal dismissed."

A maximum period of 3 years, is provided even under the right to file a Civil Suit. In such circumstances, this Court does not feel that it is a case where the jurisdiction can be exercised

under Article 226 of the Constitution of India, at this belated point of time.

Accordingly, finding no merit in the present writ petition, the same is, hereby, dismissed, in limine.

JANUARY 11, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE