

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

Sr. No.109

CWP No.8554 of 2016

Date of decision: 05.05.2016

Mahender Singh

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

* * *

DEEPAK SIBAL, J. (Oral)

Through the present petition, the petitioner prays for issuance of directions to the respondents to treat him as Assistant Excise and Taxation Officer w.e.f. 16.09.1996 instead of 30.08.2000.

After hearing learned counsel for the petitioner, the uncontroverted facts which have emerged are that in the year 1983, the petitioner joined the services of the Excise and Taxation Department of the Government of Haryana as an Excise Inspector and on 30.08.2000 was promoted to the next higher post of Assistant Excise and Taxation Officer. Thereafter, he was promoted to the post of Excise and Taxation Officer from which post on attaining the age of superannuation on 31.01.2009 he retired from service.

Through the present petition filed in the year 2016, the petitioner prays that his promotion as Assistant Excise and Taxation Officer

made through order dated 30.08.2000 be considered w.e.f. 16.09.1996 the date when his alleged junior had been promoted.

The record reveals that on 10.09.2004, the seniority list of Assistant Excise and Taxation Officer was finalized and circulated. Thus, at that time, the petitioner was aware of the fact that his alleged juniors had been promoted as Assistant Excise and Taxation Officer on 16.09.1996 whereas he was promoted to the same post on 30.08.2000. In spite the same, the petitioner remained silent for about 12 years and in the meanwhile, on 31.01.2009, the petitioner also superannuated from service. No explanation for the delay is forthcoming.

It is settled law that the relief as claimed for cannot be granted in exercise of the extra ordinary jurisdiction under Article 226 of the Constitution of India where there is inordinate and unexplained delay like in the case in hand. The petitioner having slept over his rights, cannot be allowed to raise the issue sought to be raised after a delay of about 12 years especially when there is no explanation for the same.

Dismissed.

(DEEPAK SIBAL)
JUDGE

May 05, 2016
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