

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

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**RSA No. 1367 of 2012 (O&M)
Date of decision: 19.12.2016**

Chanchal Rani

....Appellant

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr.Avnish Mittal, Advocate for the appellant.

Mr.Saurabh Girdhar, AAG, Haryana.

Mr. Keshav Pratap Singh, Advocate for respondent No.2.

P.B. Bajanthri, J. (Oral)

In the instant appeal, the appellant has questioned the validity of orders of the trial court as well as appellate court dated 23.01.2009 and 22.12.2011 respectively.

2. The appellant was appointed as a Clerk on 16.03.1979 in the District Rural Development Agency (for short 'DRDA'). So also respondent No. 2 was appointed as a Steno-Typist on 17.08.1979. In the year 1984 both the appellant and the private respondent among others were sought option to opt for going to the Animal and Husbandry Department in the year 1984. Appellant herein opted to go for Animal and Husbandry Department amongst others. She was Steno on 31.12.1985 whereas the 2nd respondent

Ram Singh remained in the office of the 3rd respondent-DRDA. When things stood thus, respondent No.2-Ram Singh was promoted to the post of Clerk from the post of Steno-Typist on 06.02.1986 and further he was promoted to the post of Accountant-cum-Cashier on 25.02.1986.

3. The grievance of the appellant is that she being senior to the 2nd respondent-Ram Singh she should have been promoted to the cadre of Accountant-cum-Cashier and she is entitled for promotion. The appellant filed the suit for declaration that she be promoted to the post of Accountant-cum-Cashier w.e.f. 25.02.1986. The trial court and the appellate court rejected the claim of the appellant on the ground of limitation as well as for want of records.

4. Learned counsel for the appellant submitted that the DRDA-3rd respondent abused the power while sending the appellant to Animal and Husbandry Department and promoted the 2nd respondent to the post of Clerk and Accountant-cum-Cashier on 06.02.1986 and 25.02.1986 respectively. Question for consideration in the present appeal is whether appellant's suit is time barred or not and further whether appellant is entitled to promotion to the post of Accountant-cum-Cashier w.e.f. 25.02.1986 or not. Admittedly suit was filed in the year 1998 seeking claim for promotion to the post of Accountant-cum-Cashier w.e.f. 25.02.1986. Therefore, the suit is rightly rejected on the ground of limitation. That apart, the appellant has no locus standi to question or seek promotion to the post of Accountant-cum-Cashier w.e.f. 25.02.1986 for the reasons that on 31.12.1985 appellant services have been lent in the Animal and Husbandry Department on

permanent basis. Having regard to the option exercised by her in the year 1984 to go to the Animal and Husbandry Department. Therefore, as on 25.02.1986 the date on which 2nd respondent was promoted to the post of Accountant-cum-Cashier, the appellant was not serving and her lein was not existing in respondent No.3-DRDA. Therefore, even on merit the appellant has not made out a case so as to grant benefit of promotion to the post of Accountant-cum-Cashier w.e.f. 25.02.1986 on par with 2nd respondent.

3. Appeal stands dismissed.

19.12.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No