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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1988 of 2017**

1. Smt. Archana Rana Seth W/o Shri Pragyan Seth, Aged About 49 Years R/o H I G- 208 Vijeta Complex, New Rajendra Nagar, Raipur (Chhattisgarh) Currently Posted As Joint Director, Directorate Of Women & Child Development Department, Indrawati Bhawan, New Raipur (Chhattisgarh)
2. Smt. Chreesteena S. Lal, W/o Saloman, Mathews Silah, Aged About 52 Years Presently Posted As Joint Director, Directorate Of Women And Child Development Department, Indrawati Bhawan, New Raipur (Chhattisgarh)

---- Petitioners**Versus**

1. State of Chhattisgarh Through Secretary, Department of Women And Child Development, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (Chhattisgarh)
2. Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)
3. Director, Women And Child Development, Indrawati Bhawan, 2nd Floor, Capital Complex, Naya Raipur, District Raipur (Chhattisgarh)
4. Public Service Commission, Through Its Secretary, Saheed Bhagat Singh Chowk, Shankar Nagar Raipur, District Raipur (Chhattisgarh)
5. Prateek Khare, S/o Late Shri B. B. Khare, Aged About 47 Years Presently Posted As Joint Director, Directorate of Women And Child Development Department, Indrawati Bhawan, New Raipur (Chhattisgarh), R/o E-1 Shanti Nagar, Behind Gaurav Vatika, Guarav Path, Saheed Bhagat Singh Chowk, Raipur, Thana And Post Civil Lines, Tehsil Raipur, District Raipur (Chhattisgarh)

---- Respondents

For Petitioners	:	Shri Harsh Wardhan, Advocate
For Respondents-State	:	Shri Satish Gupta, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****27/04/2017**

1. Petitioners are working as Joint Directors in the department of Woman and Child Development, Government of Chhattisgarh. By order dated 27.05.2006, petitioners were promoted as Joint Director along with Respondent No.5 Shri Prateek Khare. The present petition is for quashment of the order in respect of promotion of respondent No.5.
2. Since the petitioners were also promoted by the same order, as such they are not aggrieved by the entire order, however, according to the petitioners, respondent No.5 having been placed at serial No.1 in the order of promotion, he will have preference in consideration for promotion to the next higher post of Additional Director. It is put forth that at the time of consideration of the promotion in the year 2006, the ACRs of respondent No.5 were not good or not of such grade which would place him as an outstanding officer for placement at serial No.1 in the promotion order, therefore, he should not have been promoted.
3. In para 7 of the writ petition, the petitioners would submit that there is no delay in filing the instant writ petition because they were pursuing the cause bonafidely and diligently firstly by filing application under RTI seeking copies of the DPC proceedings, which was declined up to the State Information Commission. After supply of the copy, the petitioners have been continuously pursuing their cause by filing repeated representations. The department has drawn proceedings after the GAD and PSC have issued directions to the department, but nothing has been communicated apart from the assurance.
4. In course of hearing learned counsel would submit that copy of the DPC proceedings were denied in the year 2006 itself, however, the petitioners were supplied such copies in the year 2012, where after they kept on

representing the matter.

5. In the matter of **K.R. Mudgal & Ors. Vs. R.P. Singh & Ors.**¹ and **Shiba Shankar Mohapatra & Ors. Vs. State of Orissa and Ors.**², the Supreme Court has held that challenge to the seniority or promotion should be made within a reasonable time i.e. within a period of three to four years because after reasonable time the employees get settled in their cadre and their rights are crystallized.
6. In the considered opinion of this Court, the writ petition having been filed after 11 years of accrual of cause of action and in any case after 5 years from the date copies of the DPC proceedings were available with the petitioners, the writ petition suffers from unexplained delay and laches. It deserves to be and is hereby dismissed on the ground of delay and laches.

Sd/-

Judge

Prashant Kumar Mishra

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¹(1986) 4 SCC 531

²(2010) 12 SCC 471