

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

CWP No.15075 of 1999

Date of Decision:02.05.2017

Rajendra Prasad Garg

... Petitioner

Vs.

Haryana Vidyut Prasaran Nigam Ltd. and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. V.K. Jindal, Advocate for the petitioner.

Mr. Vivek Chauhan, Advocate for respondents No.1 and 2.

P.B. BAJANTHRI J. (Oral)

The petitioner has sought for writ of mandamus to consider his name for promotion to the post of Assistant Engineer from the date of 3rd respondent's promotion and further questioned the validity of letter dated 20.7.2000 (Annexure P-11) relating to grant of time scale for counting ad-hoc service rendered in the capacity of Assistant Engineer and further sought for direction that he is entitled for consequential benefits like arrears of pay etc.

The petitioner is stated to have appointed as Asstt. Sub Station Attendant on regular basis on 8.9.1970. He was promoted to the post of Sub Station Attendant and Junior Engineer on 24.8.1971 and 3.4.1973. Thereafter, he was promoted to the post of Assistant Engineer on 22.8.1985 on ad-hoc basis. At the same time, 3rd respondent who was appointed on 6.4.1973 as Line Superintendent was regularly promoted to the post of Assistant Engineer on 2.3.1985. Having regard to the entry into service of the petitioner and 3rd respondent, the petitioner is senior to 3rd respondent.

Whatever benefit is granted to 3rd respondent is to be extended to the

petitioner. In this regard, the petitioner is stated to have made number of representations, no action has been taken by the official respondents. The petitioner had the cause of action on 2.3.1985 on which date 3rd respondent was promoted to the post of Assistant Engineer on regular basis and as and when the petitioner was promoted to the post of Assistant Engineer on 22.8.1985 on ad-hoc basis. In the absence of challenge to the promotion of 3rd respondent, the petitioner is not entitled for promotion on par with 3rd respondent having regard to the cause of action accrued to the petitioner in the month of March and August 1985. The petitioner should have approached this Court in the year 1985 or 1986. Whereas the present petition was filed only in the year 1999. Supreme Court in the case of **P. Sada Shiva Swami** v. **State of Tamil Nadu**; 1975 (1) SCC 152 held that in respect of promotion and seniority one must approach Court within reasonable period of six months or one year. Thus, the claim of the petitioner is highly belated and there is delay and laches on the part of the petitioner.

Accordingly, petition stands rejected.

02.05.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No