

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.3192 of 1996
Date of Decision:-07.03.2017.

Sher Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Samarth Sagar, Advocate for the petitioner.

Ms. Shruti Jain Goyal, Assistant A.G. Haryana.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant writ petition, the petitioner has sought for a writ of *mandamus* directing the respondents to give him deemed date of promotion in list 'F' w.e.f. 22.8.1988 and further directing the respondents to assign seniority in the cadre of Inspector over and above 4th respondent – Rohtash Singh and to modify the promotion order.

2.) The 4th respondent was promoted to the post of Inspector on 4.8.1992 and further he has been given deemed date of promotion w.e.f. 24.4.1992. The petitioner has not questioned the 4th respondent's name in the 'F' List as well as 4th respondents promotion to the post of Inspector in the year 1992. He has presented this petition only in the year 1996 seeking relief to extend the promotional benefit on par with 4th respondent who is stated to be junior. Unless and until 4th respondent promotion is challenged

timely, the petitioner has no grievance against the 4th respondent. The Supreme Court in the case of **P.S. Sadasivaswamy vs The State Of Tamil Nadu 1975 SCC (1) 152** has held that for the purpose of promotion and seniority, one must approach the competent authority within a period of six months to one year. In the present case, the petitioner has not questioned the validity of promotion as well as seniority of 4th respondent. He has sought only direction to promote him to the post of Inspector from the date of 4th respondent's promotion. Such relief sought after 4 years from the date of 4th respondent's promotion. Hence, the petitioner has not made out a case on the ground of delay and laches. Therefore, the petition is liable to be dismissed.

3.) Petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

March 07, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.