

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

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**CWP-20627-2013 (O&M)  
Date of decision: 15.09.2017**

Joginder Singh

....Petitioner

Punjab and Sind Bank and another

.... Respondents

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

Present: Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. R.Kartikeya, Advocate for the respondents.

**P.B. BAJANTHRI, J. (ORAL)**

In the instant writ petition, petitioner has challenged the validity of the order dated 19.06.2013 (Annexure P-7) by which his claim for retrospective promotion to the post of Clerk-cum-Cashier w.e.f. 1998 and further for consideration of his name for promotion to the post of JMGS-I under the policy dated 01.10.2009 has been rejected.

2. Petitioner is stated to have been appointed as Peon in the year 1980. Thereafter, he was posted as a Clerk-cum-Cashier on ad hoc basis in the year 1988. Petitioner had appeared for the examination/test relating to promotion to the post of Clerk-cum-Cashier and he had cleared the test in the year 1992. Thereafter, he was promoted on 20.07.1994. The respondent notified policy relating to promotion to the cadre of JMGS-I on 01.10.2009.

One of the condition for promotion or selection is by appointing Clerk-cum-Cashier if he had completed 20 years of service. In this back ground, learned counsel for the petitioner submitted that he was appointed as a Clerk-cum-Cashier on ad hoc basis in the year 1988. Therefore, his date of promotion to the post of Clerk-cum-Cashier be altered from 20.07.1994 to at least by 1988 so as to claim promotion to the post of JMGS-I under the policy dated 01.10.2009. Learned counsel for the petitioner submitted that while the petitioner has rendered service as a Clerk-cum-Cashier before his promotion to the post of Clerk-cum-Cashier by 20.07.1994 for few years from 1988 in that event he is entitled for consideration of his name with retrospective promotion to the post of Clerk-cum-Cashier from 20.07.1994 to 1988 so as to claim promotion to the post of JMGS-I.

3. Per contra, learned counsel for the respondents while resisting the petitioner's claim submitted that the petitioner was appointed on ad hoc basis to the post of Clerk-cum-Cashier in the year 1988. One of the qualification prescribed for the post of Clerk-cum-Cashier is passing of an examination/test. The petitioner has appeared for the test and cleared only in the year 1992. Assuming that date of promotion dated 20.07.1994 to the post of Clerk-cum-Cashier is altered to 1992 even then the petitioner do not satisfy the requirement of 20 years of service as a Clerk-cum-Cashier with reference to promotion policy to JMGS-I dated 01.10.2009. Thus, petitioner has not made out a case.

4. It was also submitted that there is delay and latches on the part of the petitioner insofar as seeking alteration of the date of promotion to the

post of Clerk-cum-Cashier from 19.07.1994 to 1988 since cause of action accrues to the petitioner on 20.07.1994 the date on which he was promoted to the post of Clerk-cum-Cashier.

5. Heard learned counsel for the parties.

6. Short question for consideration in the present petition is whether the petition is maintainable on the ground of delay and laches. Perusal of the dates and events it is evident that petitioner was appointed as Peon in the year 1980 as he was designated as Clerk-cum-Cashier in the year 1988 and he was regularly promoted on 20.07.1994. Undisputedly for the purpose of promotion to the post of Clerk-cum-Cashier one has to pass departmental examination. Petitioner has passed departmental examination in the year 1992. Therefore, his date of promotion could be altered at the best from 20.07.1994 to 1992. The petitioner could not meet the criteria of 20 years of experience as per the promotion policy to the post of JMGS-I dated 01.10.2009 with reference to the date of his promotion to the post of Clerk-cum-Cashier on 20.07.1994. Thus both on delay and laches as well as on merit, petitioner has not made out case.

7. Accordingly, CWP stands dismissed.

**15.09.2017**

pooja saini

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

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No