

105 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CWP No. 21011 of 2016 (O/M)
Date of decision : 10.1.2017

Avtar Singh and others Petitioner (s)
Versus
State of Punjab and others Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Paramjit Batta, Advocate, for the petitioners.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

The petitioners were working as Junior Draftsman with the respondent-department. Their claim is that they were fully eligible to be promoted for the post of Draftsman in their new re-designated post of Draftsman, but they were not considered for promotion and rather their juniors were promoted as Draftsmen on different dates as per the information revealed in the affidavit of one of the petitioners, namely, Mukesh Kumar (petitioner No. 8 herein). The juniors of the petitioners were promoted between the years 1993 to 1996. The claims of the petitioners is for promotion from the post of Junior Draftsman to the post of Draftsman from the date their juniors were promoted. They have also impugned the order dated 26.7.2016 (Annexure-P-5), vide which the legal notice dated 28.5.2016 (Annexure-P-4), served upon respondents, was replied and the claim of the petitioners was declined.

I have heard the learned counsel for the petitioners and have also carefully gone through the file.

It comes out that as per the averments made in the present writ petition itself, most of the petitioners have already retired from service

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between the years 2012 to 2015. Only one of the petitioners, namely, Jaswinder Kaur (petitioner No. 18 herein) is still in service. As per the claim of the petitioners, their juniors were promoted in the years 1993 to 1996 i.e. more than 20 years before the filing of the present writ petition.

The learned counsel for the petitioners further contends that vide order dated 22.8.1997 (Annexure-P-6), some other persons were also promoted, stating that the promotions are subject to decision of CWP-10851-1997, where as the same already stood decided on 30.7.1997. In the order dated 22.8.1997 (Annexure-P-6) also, the petitioners were not promoted.

I am of the view that the present writ petition is barred by delay and latches. The juniors of the petitioners were promoted during the years 1993 to 1996 and some other promotions were also made in the year 1997. However, the petitioners were not promoted. It gave them cause of action to move the Court. They have moved this Court after more than 20 years of the passing of the said orders, when their juniors were promoted. Therefore, without going into the merits of the case, the present writ petition is held to be barred by delay and latches and the same is hereby dismissed. However, one of the petitioners, namely, Jaswinder Kaur (petitioner No. 18 herein), who is still in service, can approach the department for seeking appropriate relief of promotion from the present date.

(KULDIP SINGH)
JUDGE

10.1.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No