

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.19685 of 2017

Date of Decision: November 28, 2017

Dharambir

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Arun Yadav, Advocate, for the petitioner.

Amol Rattan Singh, J. (Oral)

By this petition, the petitioner challenges the communication Annexure P-11, (seemed to be endorsed on 09.04.2015), addressed to the petitioner himself by the office of the 2nd respondent, i.e. the Director General, Hospitality Organization, Haryana, in reply to the legal notice got issued by the petitioner on 06.01.2015.

As per the said communication, the petitioner joined as a Store Helper, with respondents no.5 and 6 herien, i.e. Jyoti Bala and Raghubir Singh, having been appointed as Salesman/Sales Person on later dates. (The dates of appointment, as per learned counsel, are 5.07.1984 in the case of the petitioner (as a Store Helper) and 03.07.1985 in the case of the 5th respondent and 05.09.1986 in the case of the 6th respondent (both as Sales Persons)

Further, as per the impugned communication issued on 28.11.2009, the Government upgraded the posts of Salesmen to the posts of Counter Clerks, and as respondents no.5 and 6 were working on posts of Salesman/Sales Person, upon such up-gradation they too became Counter

Clerks.

However, the petitioner, being a Store Helper, was not placed on the same pedestal as respondents no.5 and 6 and thereafter was promoted as a Counter Clerk as per the promotion quota allotted to the feeder cadre of Store Helpers, in the month of October 1993.

Hence, in effect, the petitioners' claim for being brought on par with respondents no.5 and 6, has been rejected by the aforesaid communication.

Though learned counsel for the petitioner submits that the petitioner being on deputation from 05.09.1996 to the Haryana Rural Development Fund Administration Board (HRDF), which subsequently merged with the Department of Panchayats, Government of Haryana, he could not come to know of the development in his parent department, i.e. that the posts of Salesmen having been upgraded to those of Counter Clerks, thereby giving benefit to respondents no.5 and 6, however, even for a minute presuming that the petitioner, on merits, as regards equation of posts, has a good case on par with respondents no.5 and 6, without going into that issue, of whether a Store Keeper can be equated with a Salesman or not, this petition having been filed in the year 2017, i.e. almost 31 years after respondents no.5 and 6 were re-designated as Counter Clerks, with the petitioner thereafter having in fact been promoted to that post in October 1993, i.e. more than 24 years ago, cannot be entertained, simply on grounds of delay and laches. If any citation to that effect is needed, the

ratio of the Supreme Court judgment in the case of **B.S. Bajwa v. State of Punjab**, AIR 1999 SC 1510, can be cited, wherein the petitioner in that case had also approached this Court as regards a seniority issue, about 10 years after his alleged juniors were promoted, which was held to be highly belated by the Supreme Court.

Accordingly, this petition is dismissed.

November 28, 2017
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(**Amol Rattan Singh**)
Judge

Whether speaking/reasoned:	Yes
Whether reportable:	Yes