

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

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**Civil Writ Petition No.20362 of 2017
Decided on : 08.09.2017**

Shailesh Verma

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. S.K. Verma, Advocate
for the petitioner.

G.S. Sandhawalia, J. (Oral)

The petitioner challenges the order dated 17.08.2017 (Annexure P-9) passed by respondent No.2 vide which respondent No.3 has been promoted as Zonal Marketing Enforcement Officer (ZMEO) without issuing any gradation/seniority list for the post of District Marketing Enforcement Officer (DMEO) which is the feeder cadre post.

The only argument raised by counsel for the petitioner is that since the private respondent had forgone his promotion at an earlier point of time in the year 2010 and the petitioner had been given current duty charge on 30.07.2010 as DMEO (Annexure P-4) against the vacancies available, therefore, he should be considered senior to the private respondent, who has now been promoted vide the impugned order dated 17.08.2017 (Annexure P-9).

A perusal of Annexure P-1 would go on to show that admittedly the petitioner was appointed on 19.07.2000, whereas the private

respondent was senior having been appointed on 05.11.1998, as per the Gradation List of the Executive Officers-cum-Secretary, wherein private respondent and the petitioner have been shown at Sr. No.9 and 14, respectively.

Thus, there is no dispute as such that the petitioner is junior to the said respondent. Both of them thereafter were promoted as DMEO on 30.07.2012 (Annexure P-6). For a period of 7 years the petitioner had never raised any such issue that he was liable to be considered for promotion on regular basis to the said post for which he was given current duty charge on 30.07.2010. Thereafter, at this belated stage, he cannot now turn around and claim that he should be deemed to be senior to the private respondent.

It is settled principle that in issues of seniority limitation is a very important aspect. Reference can be made to the judgment of the Apex Court in '**P.S. Sadasivaswamy Vs. State of Tamil Nadu**' 1975 (1) **SCC 152** to this effect. Once the petitioner chose not to agitate for his grievances, he cannot now submit that he was liable to be promoted way back in the year 2010 against a vacancy and claim seniority.

The grouse of the petitioner regarding non-payment of the wages for the current duty charge is a grouse he can always raise before the appropriate authorities by filing a representation and submit that he was duly qualified to hold the current duty charge as per the statutory provisions. In the absence of any representation having been made, he

cannot now permit to seek his claim for the first time by filing the present writ petition, even in which no necessary averments have been made.

Accordingly, the present writ petition is dismissed with the aforesaid liberty.

SEPTEMBER 08, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No