

**Sr. No.101**

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

**CWP No.26385 of 2014 (O&M)**

**Date of Decision:14.12.2017**

Avtar Singh

... Petitioner

Versus

Vice Chancellor and others

... Respondents

**CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA**

Present:- Mr. P.P.S.Doabia, Advocate,  
for the petitioner.

**TEJINDER SINGH DHINDSA, J.(ORAL)**

**CM No.18028 of 2017**

In view of the averments made in the application,  
prayer is allowed.

The accompanying amended memo of parties is taken  
on record.

Application disposed of.

**Main Case**

The instant petition was instituted in the year 2014 at a  
point of time when the petitioner was working as Technician with  
Giani Zail Singh College of Engineering & Technology, Bathinda.

The claim set up in the petition is for being considered  
for promotion to the post of Instructor from the date a junior,  
namely, Narvinder Singh has been so promoted.

During the course of arguments, it stands conceded that

private respondent No.5 had been promoted as Instructor on 02.01.2004 (Annexure P-2).

Instant petition has been filed after an inordinate delay of a decade. No justification whatsoever is coming forth to explain the gross delay. The only submission advanced by counsel is that repeated representations had been preferred and which had not evoked any response.

The aspect of delay on the part of an employee in approaching the writ Court in matters of seniority and promotion came to be dealt with by the Hon'ble Supreme Court in the case of ***P.S.Sadasivaswamy Vs. State of Tamil Nadu, AIR 1974 SC 2271*** and it was observed as follows:-

***“A person aggrieved by an order of promoting a junior over his head should approach the Court at least within six months or at the most a year of such promotion. It is not that there is any period of limitation for the Courts to exercise their powers under Article 226 nor is it that there can never be a case where the Courts cannot interfere in a matter after the passage of a certain length of time. But it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their extra-ordinary powers under Article 226 in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle settled matters. The petitioner's petition should, therefore have been dismissed in***

*limine. Entertaining such petitions is a waste of time of the Court. It clogs the work of the Court and impedes the work of the Court in considering legitimate grievances as also its normal work. We consider that the High Court was right in dismissing the appellant's petition as well as the appeal."*

Applying the dictum laid down in the afore-noticed judgment, the instant writ petition is dismissed on the ground of delay and laches.

Dismissed.

**14.12.2017**

vandana

**(TEJINDER SINGH DHINDSA)  
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No