

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

CWP No. 25317 of 2016 (O&M)
Date of decision: January 20, 2017

Umed Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rajesh Narang, Advocate,
for the petitioner.

JAISHREE THAKUR, J.

1. The instant writ petition under Article 226 of the Constitution has been filed to challenge the order dated 28th February, 1996 stopping the proficiency step up due on 26th June, 1989.

2. The petitioner herein joined the services of Department of Public Health as Junior Engineer and worked there from from the month of June, 1971 to 1976. He was transferred as Junior Engineer in the Department of Punjab Water Supply and Sewerage and worked there from 1.4.1976 onwards. During his services with the Punjab Water Supply and Sewerage Department-respondent No.3, there were adverse remarks entered in his ACRs which came to be challenged by filing appeals. These appeals were dismissed by respondent, vide memo No. 5175 dated 25th September, 1981.

3. The petitioner filed a civil suit challenging the said rejection

order and the same was dismissed on 25th May, 1992, against which an appeal was preferred. The appeal too came to be dismissed on 7th August, 1993, wherein the learned District Judge noted that the plaintiff was not allowed to cross the efficiency bar because of the adverse remarks recorded in the confidential reports. The appeal was dismissed, while holding that the finding arrived at by the trial court were well reasoned and there was no scope for interference. At the same time, it was also held that an employee cannot be barred permanently to cross the efficiency bar and a direction was issued to decide the case of the plaintiff afresh and allow him to cross the efficiency bar, if he deserves the same benefit. Thereafter, vide office order dated 20th September, 1995, came to be issued wherein the case of the petitioner was considered again after giving him personal hearing and the petitioner was not allowed to cross the efficiency bar. An appeal was preferred against the said order which came to be rejected, vide impugned order dated 28th February, 1996 but he was not found competent for proficiency promotion till 31st March, 1992, but was found entitled from 1st April, 1992 on wards and as such he was allowed 2nd proficiency promotion from 1st April, 1992.

4. Aggrieved against the said order, the petitioner approached the department in the year 2002 and 2003. The petitioner herein has approached this Court after inordinate delay of almost 20 years. The explanation given that he had been addressing letters to the department concerned would not be a sufficient ground to condone the delay. In **Shankara Co-op Housing Society Ltd. Vs. M. Prabhakar and Ors.** reported in (2011) 5 SCC 607, it has been held as under:

*“It is now well settled that a person who seeks the intervention of the High Court under Article 226 should give a satisfactory explanation of his failure to assert his claim at an earlier date. The excuse for procrastination should find a place in the petition filed before the Court and the facts relied upon by him should be set out clearly in the body of the petition. **An excuse that he was agitating his claims before authorities by making repeated representations would not be satisfactory explanation for condoning the inordinate delay in approaching the Court.** If a litigant runs after a remedy not provided in the Statute or the statutory rules, it cannot be a satisfactory explanation for condoning the delay in approaching the Court.” (emphasis supplied).*

5. This Court is of the opinion that a person cannot be allowed to sit on the fence for such a long period. Any relief sought has to be sought within a reasonable time and at the earliest opportunity. The petitioner has not been able to explain as to why he was a fence sitter.

6. Therefore, the writ petition is dismissed on the ground of delay and laches.

January 20, 2017
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No