

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

CWP No.21942 of 2017 (O&M)

Date of Decision: 26.09.2017

Manjit Singh

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. G.L. Bajaj, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA, J. (Oral)

Petitioner is serving as Senior Assistant under the Punjab State School Education Department. Petitioner was promoted on such post on 10.10.2014.

The precise claim set up in the instant petition is that an alleged junior to the petitioner namely Tara Singh in the Feeder Cadre of Clerks has been promoted as Senior Assistant prior in point of time i.e. on 03.10.2013. Prayer is for the petitioner to be granted ante dated benefit of promotion w.e.f. the date his junior has been so promoted.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that a belated claim is sought to be set up.

The Hon'ble Supreme Court in case of **P.S.**

Sadasivaswamyy Vs. State of Tamil Nadu, AIR 1974 SC 2271

examined the issue of an employee invoking the extraordinary writ jurisdiction of a High Court under Article 226 of the Constitution of India at a belated stage in matters of promotion and seniority and held as under:-

“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.”

Even as per pleadings on record, the cause of action if any, had arisen to the petitioner in the month of October 2013 on

account of promotion of one Tara Singh. The instant petition has been filed after a period of almost four years. Acceptance of the prayer made in the instant petition would virtually amount to unsettling settled matters. The same is not permissible in law.

Writ petition is dismissed on the ground of delay and laches.

Petition is accordingly dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

26.09.2017
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***Whether speaking/reasoned* : Yes/No**
***Whether reportable* : Yes/No**