

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

108

CWP No.22516 of 2017

Date of decision: 20.11.2017

Hari Dev Assistant (Retd.)

....Petitioner

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Ajit Kumar Rana, Advocate
for Mr.R.D.Yadav, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Petitioner seeks quashing of the order dated 03.08.2013 (Annexure P-3), passed by respondent No.2 and prays for issuance of directions to grant equal pay-scale to the petitioner, on account of the fact that junior of the petitioner is getting the same pay-scale.

The only argument raised by counsel for the petitioner is that petitioner had been appointed on 17.08.1979 whereas the alleged junior-Zile Singh was appointed on 04.01.1980. It is not disputed and which would be clear from the impugned order that the said junior had earned a promotion at a prior point of time, on 22.02.1990 whereas the petitioner had only earned promotion on 15.12.1990, though both of them belong to the reserved category of SC. This factum finds mention not only in the seniority list (Annexure P-1) but also in the impugned order. The reason for the junior getting promotion prior was that the present petitioner had not been promoted due to adverse remarks in the ACR for 1986-87 and resultantly, he has been denied step-up of his pay at par.

In such circumstances, this Court is of the opinion that the petitioner could have no such grouse against the order dated 03.08.2013, since at a subsequent point of time, the said junior had overtaken him and has been promoted to the post of Assistant on a prior date. Even otherwise, the said order has been challenged at a belated stage, after a period of 4 years and therefore, the petition is liable to be dismissed on this ground of delay and laches.

In view of the above, finding no merit in the present writ petition, the same is, hereby, dismissed in limine.

20.11.2017

Sailesh

Whether speaking/reasoned:

Whether Reportable:

Yes/No

Yes/No

**(G.S. SANDHAWALIA)
JUDGE**