

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

**CWP No.4184 of 2015**

**Date of Decision:07.03.2017**

Nirmal Kumar

... Petitioner

Vs.

State of Haryana and others

... Respondents

**CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI**

Present : Mr. Ravi Verma, Advocate for the petitioner.

Mr. Sushil Gautam, D.A.G. Haryana.

**P.B. BAJANTHRI J. (Oral)**

In the instant petition, the petitioner has questioned the communication dated 13.5.2014 (Annexure P-8) passed by respondent No.2 while rejecting the petitioner's claim for promotion to the post of Sanskrit Teacher w.e.f. 18.7.2007, the date on which petitioner's juniors namely Sh. Rampal and Kamlesh Chand were promoted.

Petitioner's juniors were promoted on 18.7.2007 to the post of Sanskrit Teacher. The cause of action accrued to the petitioner in the year 2007.

Learned counsel for the petitioner submitted that the petitioner came to know about the juniors' promotion namely Rampal and Kamlesh Chand in the year 2012. Thus, he has approached the respondents seeking promotion on par with his juniors. The same was rejected vide communication dated 13.5.2014. Hence, the present petition.

Learned counsel for the petitioner submitted that the respondents have not prepared seniority list and there is a violation of Rule

9 of the Haryana State Education School Cadre (Group\_C) Service Rules 1998 in promoting juniors to the petitioner namely Rampal and Kamlesh Chand. Hence, petitioner is entitled for promotion to the post of Sanskrit Teacher w.e.f. 18.7.2007, the date on which juniors to the petitioner were promoted.

Heard learned counsel for the petitioner.

The petitioner had the cause of action for the purpose of promotion to the post of Sanskrit Teacher on 18.7.2007 the date on which the petitioner's juniors namely Rampal and Kamlesh Chand were promoted. He has approached the authorities only in the year 2012 and the authorities have rejected the claim of the petitioner for promotion on 13.5.2014. The petitioner slept over the matter from 2007 to 2012 and thereafter he has approached the authorities for the purpose of promotion to the post of Sanskrit Teacher on par with juniors. Supreme Court in the case of **P. Sada Shiva Swami** v. **State of Tamil Nadu**; 1975 SCC (1) 152 held that for the purpose of promotion, employee must approach within a reasonable period i.e. six months to one year.

Whereas in the present case, juniors of the petitioner were promoted in the year 2007 and he has approached the authorities for the first time in the year 2012. That apart, the petitioner has not questioned the validity of the juniors' promotion order dated 18.7.2007 even to this date. In the absence of challenge to the juniors' promotion order, the petitioner is not entitled for any relief.

Hence, the present petition stands dismissed.

Dismissal of this petition would not come in the way of considering the petitioner's name for promotion to the post of Sanskrit

Teacher prospectively i.e. in the year 2012 if he is otherwise eligible for promotion.

07.03.2017  
rajeev

(P.B. Bajanthri)  
Judge

Whether speaking/reasoned                      Yes/No

Whether reportable                                      Yes/No