

**In the High Court of Punjab and Haryana at Chandigarh**

**CWP No.27627 of 2017 (O&M)**

**Date of decision: 5.12.2017**

**Sukhbir Singh, AEE (Civil)**

**...Petitioner**

**Versus**

**Union of India and others**

**...Respondents**

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

Present: Mr.R.D.Bawa, Advocate for the petitioner.

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

In the instant writ petition, the petitioner is seeking direction to the respondents to consider his name for promotion to the post of Assistant Executive Engineer (Civil) from 29.3.2011 instead of 1.3.2012. The petitioner had a cause of action in respect of his claim as on 28.3.2011 i.e. the date on which his juniors were promoted. The petitioner's name was stated to have not been included due to down grading of ACR. In other words his service record has been taken into consideration for the purpose of his claim for promotion as on 28.3.2011. Thus, the petitioner should have challenged the order of promotion of the juniors to him in the year 2011 so also decision taken by the

official respondents over looking the claim of the petitioner. The petitioner has failed to challenge the order of promotion of the juniors dated 28.3.2011. He was making correspondence with the official respondents during the period from 2011 to 2017.

Learned counsel for the petitioner submitted that even though petitioner's claim was considered for promotion to the post of Assistant Executive Engineer (Civil) on future date, his name was considered and was promoted prospective from 1.3.2012. Consequential correspondence with official respondents.

Petitioner had cause of action on 28.3.2011 and on 1.3.2012, the date on which he was promoted prospectively. There is delay and laches on the part of the petitioner in seeking retrospective promotion from the date of junior's promotion. That apart the petitioner has not challenged the order of promotion of the juniors dated 28.3.2011 the date on which juniors marched over petitioner. The Supreme Court in the case of **P.S. Sada Sivaswamy Vs. State of Tamil Nadu reported as 1975 (1) SCC 152** held that insofar as promotion and seniority is concerned, one must approach Court atleast within six months or at the most within one year of such promotion or seniority, therefore, the petitioner has not made out a case so as to seek retrospective promotion from the date of juniors'

promotion to the post of Assistant Executive Engineer (Civil) on the ground of delay and latches. Accordingly, civil writ petition stands dismissed.

5.12.2017

Meenu

**(P.B.BAJANTHRI)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No