

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.8138 of 2015 (O&M)

Date of Decision: 10.08.2017

Devinder Singh

--Petitioner

Versus

State of Punjab and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Arun Takhi, Advocate for the petitioner.

Mr. T.P.S. Chawla, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

The instant writ petition is directed against the order dated 8.2.2015 (Annexure P-13), whereby the claim of the petitioner seeking promotion to the post of S.S. Master from the date persons junior to him i.e. respondents no.7 to 9 were so promoted, was rejected.

Learned State counsel has filed in Court today a response by way of affidavit of the Assistant Director, S.A.-IV office of Director Public Instructions (S.E.), Punjab and the same is taken on record. Copy has been furnished to counsel for the petitioner.

Appended along with the reply is an order dated 25.7.2017 (Annexure R-1) and in terms of which the petitioner has been held entitled to notional promotion to the Master Cadre as an S.S. Master w.e.f. 19.4.2006.

Counsel for the petitioner would submit that even though, by virtue of the order dated 25.7.2017 (Annexure R-1) along with the written statement the primary relief has been granted to the petitioner but such promotion has been accorded on notional basis and the actual arrears of

salary for the period in question have been denied.

The prayer made by counsel for grant of actual arrears for the period in question cannot be accepted. Juniors to the petitioner were promoted in the year 2006. The instant writ petition was filed in the year 2015.

The Hon'ble Supreme Court in ***P.S. Sadasivaswamyy Vs. State of Tamil Nadu, AIR 1974 SC 2271*** has clearly held that in case of promotion and seniority it would be incumbent for the employee concerned to agitate the issue within a period of six months or at the most one year. Observations of the Hon'ble Apex Court in such regard are 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.”

Under such circumstances, the petitioner having been granted promotion to the Master Cadre w.e.f. 19.4.2006, nothing survives for

adjudication in the instant petition and the same is disposed of as having been rendered infructuous.

(TEJINDER SINGH DHINDSA)
JUDGE

10.08.2017
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No