

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.2035 of 2016 (O&M)

Date of Decision: January 12, 2017

Sudarshan Kumar Kapoor and anotherAppellants

versus

Chief Secretary, Government of Punjab and othersRespondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.**

Present: Mr.M.S.Bedi, Advocate, for the appellants.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The appellants held the posts of Under Secretaries in Punjab Civil Secretariat till they retired in April and July, 2000, respectively. They are said to have made some representations and then served a legal notice in the year 2003 claiming re-fixation of their seniority above their juniors who belonged to Scheduled Caste category and were granted accelerated promotions above the appellants.

Further claim of the appellants was that some similarly placed retired employees approached this Court and pursuant to the directions issued in their favour, the Financial Commissioner has passed an order in their favour on 11.01.2016, hence they too are entitled to the same benefit.

Learned Single Judge has declined to entertain the appellants' writ petition on account of hopeless delay and laches.

We have heard learned counsel for the appellants.

It is well settled that where a person has allowed the grass to grow under his feet by acquiescence and who remained a fence-sitter when the others were before the Courts of law for the enforcement of their rights, the former(s) cannot seek parity with the later(s). The appellants in the instant case woke up only after some of the similarly placed persons had successfully got the benefits by timely approaching the Court. In this view of the matter, the order passed by the learned Single Judge calls for no interference.

Dismissed.

[SURYA KANT]
JUDGE

January 12, 2017
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[SUDIP AHLUWALIA]
JUDGE

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