

LPA no. 541 of 2017 (O&M) 1

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

LPA no. 541 of 2017 (O&M)

Date of Decision : 27.07.2017

Avtar Singh and others

....Appellant(s)

Versus

State of Punjab and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr. Paramjit Batta, Advocate for the appellants

MAHESH GROVER, J.(ORAL)

This appeal is directed against the judgment of the learned Single Judge dated 10.1.2017 declining interference in writ proceedings on the ground of delay and laches. The appellants stood retired from service between the year 2012 to 2015. They filed writ petition in the year 2016 with a prayer that persons junior to them were promoted between 1993 to 1996 but they were denied a similar consideration. Learned Single Judge noticed the delay to deny the claim of the appellants raised in the present appeal.

Learned counsel for the appellants contends that at the time of promotion of the juniors, there was a rider that promotions would be subject to the outcome of writ petition which in fact already stood decided in the year 1993. Besides there were certain instructions of 2002 that if a benefit is admissible to an employee, a similar benefit should be afforded to all the employees without compelling them to come to the Court.

Further, it has been contended that another employee was granted a similar benefit which would also be a reason to afford the same

benefit to the appellants.

We notice that atleast this instance of a co-employee which the appellants cite in their favour is of the one who approached the Court in the year 2002 and probably while he was in service. The appellants have wasted their time as the juniors were promoted somewhere in 1993 and 1996 and all of them retired between 2013 to 2015. There is absolutely no justification why such a grievance was not raised within a reasonable time. Even after retirement they took their sweet time to approach the Court in 2017. Hon'ble Supreme Court has time and again observed that there has to be promptitude in the matters of redressal of grievance and in matters of service a period of one year has been accepted to be reasonable. The appellants have caused considerable delay of more than a decade and a half in raising this plea when the remedy of civil suit is also not available to them. We therefore, do not find any legal infirmity in the findings recorded by the learned Single Judge in declining interference.

In view of above, instant appeal is hereby dismissed.

(Mahesh Grover)
Judge

(Raj Shekhar Atttri)
Judge

27.07.2017

rekha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No