

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3240 of 2018

Ramkeshwar Ram S/o Late Bipta Ram Aged About 48 Years
Occupation Assistant Grade - Iii In The Office Of Assistant
Commissioner, Tribal Welfare District Janjgir - Champa , R/o
Hasdeo Vihar Colony, Qtr. No. Gadh-11, Janjgir , Tahsil And District
Janjgir Champa Chhattisgarh., District : Janjgir-Champa,
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Tribal Welfare , Mahanadi Bhawan Naya Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Assistant Commissioner , Tribal Welfare , Old Collectorate Janjgir , District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
3. Smt. Ela Raichoudhuri W/o Not Known To The Petitioner Aged About 46 Years Assistant Grade - Ii , In The Office Of The Assistant Commissioner , Tribal Welfare , Old Collectorate Janjgir Tahsil And District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner : Mr. Sudeep Verma, Advocate.

For State : Mr. Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

23/04/2018

1. The petitioner, by this petition has assailed the legality of the order of promotion of respondent No. 3 on the claim that the petitioner is senior to respondent No. 3 and the promotion of R-3 has resulted in supersession.

2. After going through the order dated 05-02-2018 by which the petitioner's representation has been rejected, this Court finds that the issued of seniority is a stale claim because ever since 2013 the petitioner

has been given seniority below respondent No. 3 on the ground that R-3 was appointed on 07-02-1991 whereas, the petitioner has been appointed on 24-01-1994.

3. This shows that the petitioner did not challenge the seniority list and his seniority qua R-3 is below atleast since the time when the seniority position was reflected in gradation list issued wayback on 09-05-2013.

4. It is well settled legal position that a claim for seniority has to be raised within a reasonable period. Where, the seniority with which the employee is aggrieved is not called in question and no steps towards enforcement of that claim are taken promptly, the claim would become a stale claim.

5. There is no specific pleadings much less any representation placed on record that ever since 2013, the petitioner had raised dispute and he had justification and explanation for not approaching this Court for the last 5 years.

6. Therefore, the irresistible conclusion is that the petition suffers from delay and laches and is therefore, liable to be dismissed as such.

Sd/-

(Manindra Mohan Shrivastava)

Judge