

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 637 OF 2018**

Sadananda Udyawar S/o Babu Naik, Presently Working As Dy. Commandant, Central Industrial Security Force, K.S.T.P.S. Pragati Nagar Korba Chhattisgarh. Presently Residing At Suraksha Chinmaya Colony, Kerekadu, Kulai - Hosabettu, Mangalore 575019 D.K. (District) Karnataka (State).

---- Appellant**Versus**

1. Union Of India Through Its Secretary, Government Of India, Ministry Of Home Affairs, New Delhi.
2. The Director General Central Industrial Security Force Head Quarter 13, CGO Complex, Lodhi Road, New Delhi.

---- Respondents

For Appellant	:	Dr. N. K. Shukla, Senior Advocate with Mr. Ajay Lakra, Advocate
For Respondent/Union of India	:	Mr. B. Gopa Kumar, Assistant Solicitor General.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**23/08/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard learned senior counsel for the appellant and learned Assistant Solicitor General for the Union of India.
2. The writ appeal has been preferred against the order of the learned Single Judge dated 14.05.2018 who refused to pass any order in favour of the appellant giving a direction to give him promotion on the post of Assistant Commandant w.e.f. 1989 or the post of Deputy Commandant w.e.f. 1995 and as Commandant

w.e.f. 10.10.2002 and Senior Commandant w.e.f. December, 2005, when admittedly juniors were granted promotion at the very threshold on the post of Assistant Commandant.

3. The learned Single Judge took a view that a 20 years old issue of non-grant of promotion which was never a subject matter of challenge initially can be allowed to be agitated, especially when many other promotions to senior posts also accrued in favour of the so-called juniors from time to time and at no point, the appellant approached a Court of law pleading any kind of discrimination.

4. Since repeated representations are not an answer for such latches and delay, dismissal of the writ application in a stale matter which is more than two decades old cannot be said to be an erroneous view to take. More so settled position cannot be unsettled at the convenience of a litigant.

5. Appeal has no merit. It is dismissed.

Sd/-
(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-
(Parth Prateem Sahu)
JUDGE