

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

C.W.P. No.18109 of 2013

Date of Decision:-14.05.2017

Ranbir Singh Sangwan

....Petitioner

vs.

State of Haryana and others

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr.Akshay Bhan, Sr. Advocate with
Mr. A.S. Talwar, Advocate,
for the petitioner.

Mr. Gaurav Jindal, Addl.A.G., Haryana.

Mr. R.K. Malik, Sr. Advocate with
Mr. Bhupinder Malik, Advocate,
for respondent No. 4.

Sudhir Mittal, J. (Oral)

The petitioner seeks quashing of order dated 4.6.2013 (Annexure P-11) whereby his representation dated 4.2.2013 regarding fixing of seniority as Head of Department has been rejected.

The petitioner was appointed as Lecturer on regular basis in the Technical Education Department on 1.3.1997. Thereafter, he got a fresh appointment as Senior Lecturer on 27.8.2003. In the year 2008, the Senior Lecturers were considered for promotion as Head of Department. Persons junior to the petitioner were promoted as Head of the Department vide order dated 22.12.2008. The persons who were promoted by virtue of the said order were junior to respondent No.4 as well as the petitioner. Respondent No.4 challenged their order of promotion vide CWP No. 21705 of 2008 which was ultimately allowed vide judgment dated 7.1.2013 (Annexure P-8). Consequently, respondent No.4 was

promoted as Head of the Department vide order dated 3.6.2013 (Annexure P-10). Meanwhile, the petitioner submitted a representation dated 4.2.2013 for grant of benefit of ad hoc service but the same was rejected vide order dated 4.6.2013, which is impugned in the present writ petition.

Learned Sr. Counsel for respondent No.4 at the very outset states that juniors to the petitioner were promoted vide order dated 22.12.2008 and since he failed to challenge their promotion at that time, his claim is barred by delay and laches.

Learned Senior counsel for the petitioner controverts this argument by stating that respondent No.4 was immediately junior to the petitioner and once he was promoted, it gave him a cause of action to file the writ petition.

I am of the opinion that counsel for respondent No.4 is correct when he states that the writ petition is barred by delay and laches. Admittedly, juniors to the petitioner were promoted in the year 2008 but he did not challenge their promotion nor did he claim the benefit of ad hoc service. Having sat over the matter for more than 4 years, I cannot permit him to agitate his claim at this stage.

The writ petition is barred by delay and laches and is accordingly dismissed.

May 14, 2018**poonam****(SUDHIR MITTAL)****JUDGE****Whether Speaking/Reasoned****Yes****Whether Reportable****Yes**