

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

CWP No. 27043 of 2015 (O&M)

Date of decision: 19.07.2018

Manmohan Sharma

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. Meenu Salwan, Advocate for the petitioner(s).

Ms. Harsimrat Rai, DAG, Punjab.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, the petitioner seeks issuance of a writ in the nature of mandamus directing the respondents to release all the promotion benefits as Hindi Master from the date i.e. 24.08.2007 when the juniors have been promoted.

The petitioner joined as Clerk on 06.10.2001. The sole grievance of the petitioner is that the persons junior to him had already been promoted to the post of Hindi Master, by virtue of order dated 24.08.2007 (Annexure P-4), whereas the petitioner had been promoted, vide order dated 02.06.2010 (Annexure P-2).

On the other hand, though the State admits the factual position, however, the stand taken by it is that the petitioner did not raise any objection before the competent authority after his promotion and he even joined as Hindi Master, therefore, the present petition deserves to be

dismissed on account of delay and laches.

Heard.

As per reply by the State, the petitioner had requisite qualification of master cadre at the time of promotion made by the department in the master cadre under 1% quota reserved for non-teaching/ministerial cadre as per instructions dated 17.04.2003 issued by the Government in the year 2007 but his claim could not be considered inadvertently as the same was not forwarded by the competent authority and the petitioner did not raise this issue with the department at the relevant point of time. Hence the relief to the petitioner is being declined on the basis of delay and laches. Once it is the considered stand of the State that the petitioner was due for promotion and inadvertently, he could not be promoted, then the principle of delay and laches cannot operate against the petitioner. The State is a model employer. If, inadvertently, any benefit could not be passed on its employee, then such an error can always be rectified. The plea taken by the State of delay and laches is of no consequence. In view of the admitted position, the present petition is allowed. The petitioner will be deemed to be promoted from the date when his junior(s) have been promoted and the respondents are directed to release the consequential relief to the petitioner, within a period of three months from the date of receipt of a certified copy of this order.

19.07.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No