

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 12.07.2018****CWP No.26332 of 2017**

Mange Ram

...Petitioner

Vs.

State of Haryana& others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Surender Saini, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

By way of this petition, directions are sought by the petitioner to set aside the promotion of private respondents No.3 to 15 on the post of Clerk alleging them to be in violation of notification dated 29.10.2009, as they did not possess the mandatory qualification of State Eligibility Test in Computer Appreciation & Applications (SETC). The second prayer is for a direction to respondents No.1 & 2, Haryana, to promote the petitioner w.e.f. 13.10.2011 i.e. the date when the petitioner qualified SETC.

The petitioner claims to be the sole candidate possessing the SETC qualification. After 8 years, the promotion of the private respondents No.3 to 15 in my view cannot be disturbed to unsettle their settled rights. I have no reason to interfere in the stale and dead claim presented in this petition relating to promotion at this distance of time in view of the observations made in P.S.Sadasivaswamy Vs. State of Tamil Nadu, AIR 1975 SC 2271, wherein the Supreme Court have guided that matters of promotion and seniority should be agitated without delay and at least within

six months or one year from the date of accrual of the cause of action. The approach is found inordinately belated. Thus, it would be prudent for the writ court not to entertain the petition and cause interference and create multiple complications of seniority etc. and upset the settled rights of others in the cadre. The petition as against the rights of the private respondents suffers from inordinate delay and unexplained laches.

So far as the petitioner's personal claim to promotion is concerned, he can have no fundamental right to promotion and his claim can only be governed by service rules. In any case, a mandamus would not be issued to respondents No.1 & 2 to promote the petitioner. There will have to be vacancies and service rules to support a claim for promotion.

For these reasons, I would not accept the petition being devoid of merit in trying to unsettle settled rights to seniority in the cadre and would dismiss it.

12.07.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>