

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

(107)

CWP-27288-2018

Date of Decision: November 27, 2018

Subhash Singh

..Petitioner

Versus

Punjab State Power Corporation Ltd and ors

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Piyush Gill, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the petitioner is challenging the order dated 28.04.2015 by which the petitioner has been denied the benefit of counting of adhoc service towards seniority.

The contention which has been raised by the petitioner in the present writ petition is that the petitioner was given the charge of the higher post of Sub Station Attendant. The petitioner continued working as Sub Station Attendant on the basis of the said charge. One of the condition imposed was that no benefit of this service being rendered on current duty charge will be granted for any purpose. The petitioner accepted the same and continued working on adhoc basis as Sub Station Attendant till the petitioner was regularly promoted on the said post on 21.08.2002. The petitioner did not raise any grievance in this regard and ultimately retired from service on 30.09.2014.

After the retirement, the petitioner started making representation to the respondents for counting the service which the petitioner rendered on adhoc basis from 03.11.1997 till 28.08.2002 and granted him the benefit of further promotion and higher pay scale. The said representation filed, has been rejected by the respondents vide Annexure P-8 on 28.04.2015. After waiting

for more than three years of the passing of the order, the petitioner has filed the present writ petition claiming said relief. There is no explanation of the delay in approaching this Court. The grievance if any, should have been raised immediately when the petitioner became regular in the year 2002 but the petitioner waited till 2018 (after four years of his retirement) to approach this Court claiming the benefit of adhoc service towards seniority.

Further, the petitioner has not challenged the condition which was imposed upon the petitioner vide Annexure P-2 when he was given adhoc charge of the post of Sub Station Attendant according to which, he was made clear that the petitioner will not be entitled for any benefit of the adhoc service for which the petitioner will render meaning thereby that the petitioner accepted the said condition without any objection. Further on being asked, whether as to why the petitioner has not challenged the said clause 4 of the letter dated 03.09.1997, the petitioner states that the petitioner was not aggrieved against the said clause, when the said order was passed.

I have heard learned counsel for the petitioner.

Admittedly, there is delay in approaching this Court and the delay is unexplained.

It is settled proposition of law that an employee, needs to approach the Court immediately for the redressal of his grievance, inordinate, unexplained delay is good enough to deny the relief of a claimant. In the present case, the delay is of 16 years and that too unexplained. No objection was raised by the petitioner or no claim was made by the petitioner during his service carrier. It is only after the retirement, the petitioner sought the benefit of seniority for the adhoc service rendered by him, which is not at all admissible. In this regard, reliance can be placed on judgment of Hon'ble

Supreme Court rendered in **M/s Royal Orchid Hotels Limited and another Vs.**

G. Jayarama Reddy and others, 2011 (4) R.C.R. (Civil) 613. Relevant

paragraph is reproduced as under:-

“In last 61 years the superior Court have evolved several rules of self-imposed restraint including the one that the High Court may laches. The principle underlying this rule is that the one who is not vigilant and does not seek intervention of the Court within reasonable time from the date of accrual of cause of action or alleged violation of constitutional, legal or other right is not entitled to relief under Article 226 of the Constitution. Another reason for the High Court's refusal to entertain belated claim is that during the intervening period rights of third parties may have crystallized and it will be inequitable to disturb those rights at the instance of a person who has approached the Court after long lapse of time and there is no cogent explanation for the delay.”

Apart from the delay, once there was a condition in the order giving the adhoc charge to the petitioner, that he will not be entitled for any benefit with respect to the service rendered by him on adhoc basis, now after retirement, without there being any challenge to the said clause, he cannot claim the relief.

In view of the above, the writ petition fails and is dismissed as such.

November 27, 2018
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No