

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

CWP No. 28088-2018

Date of decision : 01.11.2018

Nirmal Kumar

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. G.R. Vashisht, Advocate
for the petitioner.

RITU BAHRI , J. (Oral)

Petitioner is seeking issuance of writ in the nature of mandamus thereby holding the petitioner entitled for promotion from the date (i.e 22.11.1985) when his junior Sunil Kumar was promoted to the post of Havaldar Instructor.

The petitioner joined the services of the respondent-department on 22.11.1985 at Class IV post whereas Sunil Kumar joined the services on 27.09.1995 at class IV post. However, Sunil Kumar was promoted to the post of Havaldar Instructor on 20.09.2001 and thereafter promoted to the post of Platoon Commander on 25.05.2012 whereas the petitioner was promoted to the post of Havaldar Instructor on 06.06.2005 and thereafter promoted to the post of Platoon Commander on 25.08.2014. The petitioner is to retire on 30.04.2023 and Sunil Kumar was to retire on 30.04.2039.

The grievance of the petitioner before this Court that since he was senior to Sunil Kumar, therefore, he should have been promoted before

However, the petitioner if have any grievances, had to approach this Court in 2001 itself. Petitioner was promoted as Havaldar Instructor on 06.06.2005 and he did not challenge promotion of Sunil Kumar, who was promoted to the post of Havaldar Instructor on 20.09.2001 and Platoon Commander on 25.05.2012. The limitation to challenge this promotion at most can be of 03 years. However, the present writ petition has been filed after a gap of almost 06 years. The petition is liable to be dismissed on the ground of delay alone.

No merits.

Dismissed.

(RITU BAHRI)
JUDGE

01.11.2018

G Arora

Whether speaking/reasoned

Yes

Whether reportable

No