

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

CWP No.28969 of 2018

Date of Decision:-27.11.2018

Lakhwinder Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. L.S. Sidhu, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Services of the petitioner on Class-IV post of Casual Worker were regularized with the Milk Union, Ferozepur in the year March 1997. Petitioner is stated to have been promoted as Bill Clerk in the accounts branch of Milk Union, Ferozepur.

His claim for promotion to the post of Milk Procurement Assistant on account of possessing of the prescribed qualification of being a matriculate was decided by this Court vide order dated 8.10.2015 passed in CWP No.22405 of 2012 whereby a direction was issued to consider the case of the petitioner for promotion to the post of Milk Procurement Assistant by passing a speaking order within two months. Consequently, an order dated 13.01.2016 (P-5) was passed, promoting the petitioner as Milk Procurement Assistant on regular basis w.e.f. the date he joined the post.

Mandamus for promoting him as MPA w.e.f. 10.08.2009 along with all consequential benefits w.e.f. the date he had become eligible and his juniors Hardev Singh and Jaswinder Singh were promoted i.e. 10.09.2009.

Counsel for the petitioner heard.

The claim cannot be entertained as on the general principles covered under Order 2 Rule 2 CPC this claim should have been made in the previous writ petition filed by the petitioner. No such direction was issued by this Court in the previous litigation that the case of the petitioner was to be w.e.f. the date either he becomes eligible or the date his juniors were promoted. That apart the claim is hit by the vice of delay and laches.

Dismissed.

(JASWANT SINGH)
JUDGE

November 27, 2018
Vinay

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