

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

CWP No.3640 OF 2018 (O&M)
Date of decision: 10.5.2018

S.K.Panchal and another

...Petitioners

Versus

Haryana State Council for Child Welfare, Chandigarh and others

...Respondents

CORAM:-HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present:- Mr.S.S.Mor, Advocate for the petitioners

RAJIV NARAIN RAINA, J (Oral)

1. I have heard learned counsel for the petitioners and perused the paper-book.

2. In the matter of claim for promotion from back date, when alleged juniors were said to be promoted, the law on delay in approaching the Court has been explained by the Supreme Court in **P.S.Sadasivaswamy vs. State of Tamil Nadu**, AIR 1974 SC 2271. The Supreme Court observed in the ruling that taking recourse to legal remedy must be within six months to one year. The claim for ante-dated promotion in the present case goes back to 1st of August, 2006, when one O.P.Mehra, respondent no.3 was promoted to the higher post although the order was passed on 8th of August, 2013 vide Annex. P-7 with retrospective effect. The cause of action accrued to the petitioner on 8th of August, 2013 when the alleged promotion was made to the post of Senior Child Welfare Officer, Hqs. The petitioners worked in the Field Staff. I would, therefore,

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not interfere in this matter by issuing a writ, order or direction to promote the petitioners to the higher post after a lapse of about five years. Even before the order was passed in favour of the 3rd respondent, the petitioners had made only a representation requesting promotion to the post of Senior Child Welfare Officer with an additional request for granting them the higher pay scale of the promotional post. Petitioner no.1 slept over his right whereas petitioner no.2 made representations on 21st December, 2016 and 20th February, 2017 for granting him relief. Petitioner no.1 appears not to have made any representation till a combined representation was made on 15th May, 2017 (Annex. P-10). It is settled law that repeated representations do not cover up the delay and postpone the cause of action which has accrued at the time of cause of action arising for the first time with a right to sue. I would, therefore, not interfere in this matter by issuing writ of mandamus. Inordinate and unexplained delay and laches or making repeated representations would take away right to legal remedy.

3. In view of the above, I find no merit in this petition which is dismissed *in limine*.

(RAJIV NARAIN RAINA)
JUDGE

10.5.2018
MFK

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No