

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 23.04.2018****CWP No.9732 of 2018**

Dilbag

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Surinder Singh Duhan, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

The alleged junior, namely, Som Pal was promoted to the post of Work Inspector vide order dated 06.09.2007 (Annex P-7) and the petitioner claims that he was wrongly ignored. The petitioner asserts that he was provisionally brought on Beldar regular cadre w.e.f. 31.01.1996 vide order dated 08.02.2008 (Annex P-1), while the services of the Som Pal were brought on regular cadre on 14.06.1999 as Motor Mate. Both these posts i.e. Beldar and Motor Mate are in Group-D service. The petitioner has been promoted as Work Supervisor 30.03.2017. There is no explanation as to what kept the petitioner back from the date Som Pal was promoted as Work Inspector on 06.09.2007. Mr. Duhan submits that had the petitioner not been promoted, he would have had no cause of action to approach the Court. The case of the petitioner was declined vide memo dated 24.08.2007 (Annex P-6) and he was asked to desist from making unnecessary correspondence. The petitioner has not challenged the order dated 24.08.2007 for a decade.

Som Pal was promoted on 06.09.2007 and the cause of action for the first time accrued to the petitioner on that date, but he let time pass

till even the period prescribed for limitation for bringing a suit on the original cause of action would have expired sometime in September, 2010.

I have no reason to interfere in the stale and dead claim 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 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 settled rights of others in the cadre.

Consequently, I find no merit in the petition and would dismiss the same.

23.04.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

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