

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

**LPA No.1043 of 2018(O&M)
Date of decision: 06.08.2018**

Ravinder Kumar

... Appellant

Versus

Haryana Vidhut Prasaran Nigam Limited and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. D.S. Patwalia, Senior Advocate with
Mr. Lalit Rishi, Advocate for the appellant.

KRISHNA MURARI, C.J. (Oral)

This is an intra-court appeal filed by the appellant (petitioner in the writ petition) challenging the judgment and order of the learned Single Judge dated 22.05.2018 dismissing the writ petition.

The facts relevant for the purpose in a nutshell can be summarized as under:-

Admittedly, the petitioner was working on the post of Shift Attendant and after completion of two years' service his case for promotion to the post of Grid Sub Station Attendant was considered on 09.07.2010. However, at that point of time, for some disciplinary proceedings were pending against him, the same was kept in abeyance. The disciplinary proceedings culminated in minor punishment imposed upon the appellant of stopping one increment without cumulative effect. Vide order dated 31.10.2012, the petitioner was promoted to the post of Grid Sub Station

Attendant and even was granted seniority w.e.f. 31.05.2012. Petitioner made a representation claiming seniority with effect from the date the persons junior to him were promoted i.e. 09.07.2010.

Learned counsel for the appellant orally contends that the first representation was made in the year 2013, however, the representation which has been filed on record is on 26.08.2015, which came to be rejected on 22.09.2015. The order was put to challenge by filing a writ petition before this Court in 2018.

Learned Single Judge finding that the order of advertisement of promotion in the year 2010 ought to have been challenged by the petitioner within a reasonable time and since there is a considerable delay and laches dismissed the petition. We find no illegality in the view taken by the learned Single Judge. Admittedly, the appellant-petitioner approached this Court after 8 years or in any case at least after 6 years from 2012 when he was actually promoted. Such an inordinate delay and laches is not liable to be condoned, particularly when the petitioner was fully aware of his right and also made a representation. In such view of the matter, impugned judgment does not suffer from any infirmity which may require any interference.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

06.08.2018
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO