

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

LPA-1360-2018 (O&M)

Date of decision:- 15.11.2018

Subhash Chander

...Appellant

Versus

Haryana Power Generation Corporation Limited, Panchkula
and others

...Respondents

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

Present:- Mr. J.K. Goel, Advocate,
for the appellant.

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KRISHNA MURARI, C.J. (ORAL)

CM-3688-LPA-2018

For the reasons mentioned in the application, the
delay of 21 days in filing the appeal is condoned.

The application stands disposed of.

LPA-1360-2018

This intra court appeal under clause X of the Letters
Patent is directed against the judgement and order
dated 06.04.2018 passed by the learned Single Judge rejecting
the claim of the petitioner (appellant herein) on the ground of
being highly belated and barred by time.

2. There is no dispute about the fact that the appellant
approached this Court to challenge the decision of the State
Level Grievance Cell of the Haryana Power Generation
Corporation Limited taken in its meeting dated 21.04.2017
rejecting the representation of the appellant for retrospective
promotion as Upper Division Clerk (F) w.e.f. 11.04.2001. One of
the grounds for rejecting the representation was that the claim

set up by the appellant was highly belated and no person junior to him had been promoted against the vacancy at reserve roster point earmarked for the members of Scheduled Caste to which the appellant belonged.

3. Learned counsel for the appellant has drawn our attention to various representations filed by the appellant to contend that the cause of action was not hit by delay and laches. We are afraid, the argument has only been advanced to be rejected. It is well settled proposition by the pronouncement of the Hon’ble Apex Court in the case of *C. Jacob Vs Director of Geology and Mining and another* (2008) 10 SCC 115 that making representation(s) after representation(s) will not give rise to fresh cause of action as remedy for the same stood barred on account of unexplained delay and laches. In other words, decision on a representation much later when the cause of action accrued would not give rise to a fresh cause of action so as to bring the action within the limitation.

4. In view of the settled law on this subject, we do not find any infirmity in the judgement of the learned Single Judge rejecting the claim of the appellant as barred by limitation and, thus, the same does not call for any interference.

5. The appeal fails and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

15.11.2018
Amodh

whether speaking/reasoned	Yes/No
whether reportable	Yes/No