

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

LPA No.273 of 2018 (O&M) in
CWP No.102 of 2018
Date of Decision:- 13.03.2018.

Rajender Singh

...Appellant

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B.S. WALIA**

Present:- Mr. R.S. Kundu, Advocate
for the appellant.

Rajesh Bindal, J.

Order dated 10.01.2018, passed by learned Single Judge, has been impugned, by filing the present intra-court appeal.

2. The appellant, herein, retired from service on 31.12.2012 as Inspector. The writ petition was filed in January, 2018 praying that he should be promoted as Deputy Superintendent of Police from the date when sanctioned post became available w.e.f. 17.05.2012. Writ petition filed more than five years after retirement, was dismissed on account of delay and laches.

3. To explain the same, learned counsel for the appellant submitted that cause of action arose when legal notice got issued by the appellant was decided on 12.10.2017. However, we do not find even that to be a good ground to entertain a writ petition after such a huge delay as even a decision on a belated representation, even if decided will not cover up the delay.

4. There is no merit even in the contention raised by learned counsel for the appellant that he is ready and willing to forgo the arrears and merely his pensionary benefits may be revised in case he is promoted retrospectively. Even this argument is totally misconceived as no writ petition can be filed more than 3 years after retirement for seeking any benefit which may be due to an employee during his service.

5. Keeping in view the aforesaid facts, we do not find any error in the order passed by the learned Single Judge.

6. The appeal is dismissed accordingly.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

13.03.2018.
rajesh.k.khurana

Whether speaking /reasoned : Yes / No
Whether Reportable : Yes / No