

LPA No. 835 of 2018 (O&M)

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

**LPA No. 835 of 2018 (O&M)
Date of decision: 02.7.2018**

Dilbag

... Appellant

Versus

State of Haryana and others

... Respondents

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

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

ARUN PALLI, J.

This is an intra-court appeal under Clause X of the Letters Patent against an order and judgment dated 23.4.2018, rendered by the learned Single Judge, vide which the writ petition preferred by the appellant had since been dismissed.

In brief, the case of the appellant-petitioner has been that he was employed as a Beldar with the respondent-department, and vide order dated 8.2.2008, he was provisionally brought on the regular cadre of Beldars w.e.f.

LPA No. 835 of 2018 (O&M)

31.1.1996. One Som Pal, who was employed as a Motor Mate, was brought on the regular cadre on 14.6.1999. Both these posts, i.e. Beldar and Motor Mate, were in Group-D service. The limited grievance that the appellant-petitioner has is that Sompal, despite being junior to him, was promoted to the post of Work Inspector, vide order dated 6.9.2007, and his claim was illegally ignored. Although, subsequently the petitioner too was promoted as Work Supervisor on 30.3.2017, but his claim ought to have been considered w.e.f. 6.9.2007, the date when Sompal was promoted.

On a consideration of the matter, the learned Single Judge reached a conclusion that if, indeed, the petitioner happened to be senior to Sompal or ought to have been promoted as Work Supervisor w.e.f. 6.9.2007, the date when Sompal was promoted, he ought to have approached the Court then. Concededly, the cause of action accrued to the appellant-petitioner on 6.9.2007, when Sompal was promoted as Work Inspector. Still further, vide memo dated 24.8.2007, claim of the appellant-petitioner was specifically declined by the department, and he was rather required to desist from making any unnecessary correspondence. Even the said order was never assailed by the appellant-petitioner. And, the appellant-petitioner filed the writ petition 11 years later in the year 2018. Which is why, the learned Single Judge held that no interference was warranted in the stale and dead claim relating to promotion, particularly in the wake of decision of the Supreme Court in **P.S.Sadasivaswamy Vs. State of Tamil Nadu, AIR 1975 SC 2271**, wherein it was observed that the 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. Even the limitation to file an ordinary civil suit under the general common law would have

LPA No. 835 of 2018 (O&M)

expired some time in September, 2010. Thus, any interference by the Writ Court at such a belated stage would have rather entailed multiple complications as regards seniority and settled rights of others in the cadre.

The appeal being devoid of merit is accordingly dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

July 02, 2018
AK Sharma

Whether speaking / reasoned:	YES
Whether Reportable:	