

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

CWP No.1510 of 2019

Date of decision:-21.01.2019

Raminder Singh

.....Petitioner

versus

The Punjab State Cooperative Agricultural Development Bank Ltd.,
Chandigarh through its Managing Director

....Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Manjit Singh Sarao, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner who is serving on the post of Clerk under the Punjab State Cooperative Agricultural Development Bank Limited, has filed the instant petition being aggrieved of the order dated 25.01.2011 (Annexure P-1) and in terms of which his alleged juniors have been promoted to the post of Assistant Manager. Further prayer is for issuance of writ of mandamus to direct the respondent Bank to ignore certain adverse annual confidential reports which were not communicated to the petitioner and which have had an adverse impact on his promotional prospects.

Having heard counsel for the petitioner at length, this Court is of the considered view that writ petition deserves to be dismissed on the sole ground of delay and laches.

The Hon'ble Supreme Court in the case of **P.S. Sadasivaswamy Vs. State of Tamil Nadu, AIR 1974 SC 2271** examined the issue of an employee invoking the extraordinary writ jurisdiction of a High Court under Article 226 of the Constitution of India at a belated stage

in matters of promotion and seniority and held as under:-

“ A person aggrieved by an order of promoting a junior over his head should approach the Court at least within six months or at the most a year of such promotion. It is not that there is any period of limitation for the Courts to exercise their powers under Article 226 nor is it that there can never be a case where the Courts cannot interfere in a matter after the passage of a certain length of time. But it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their extra-ordinary powers under Article 226 in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle settled matters. The petitioner's petition should, therefore have been dismissed in limine. Entertaining such petitions is a waste of time of the Court. It clogs the work of the Court and impedes the work of the Court in considering legitimate grievances as also its normal work. We consider that the High Court was right in dismissing the appellant's petition as well as the appeal.”

Such view was thereafter even followed by a Division Bench of this Court in case of **Paramjit Singh Walia Vs. State of Punjab and others, 2005 (2) S.C.T 131.**

Learned counsel for the petitioner would make an attempt to overcome the aspect of delay by submitting that the petitioner had been making repeated representations against the arbitrary and illegal action of

promotion to higher post. It is sought to be contended that there was no delay on the part of the petitioner in having approached the writ Court.

Even such submission of having submitted repeated representations would be of no consequence. The grievance if any of the petition arose in the year 2011 itself when certain promotions came to be effected to the post of Assistant Manager. In case petitioner was aggrieved of such promotion on the ground that certain uncommunicated adverse remarks have been taken into reckoning denying him promotion to the post of Assistant Manager in the year 2011, it was obligatory upon him to have raised a challenge thereto immediately or at the most within a period one year as per dictum laid down in the judgment of the Hon'ble Supreme Court of India in P.S. Sadasivaswamy's case (supra). To the contrary, the petitioner chose not to challenge such order passed in the year 2011. Acceptance of prayer raised in the instant writ petition after a period of almost 8 years would amount to unsettling settled matters.

The instant writ petition raises a highly belated claim.

Petition is, accordingly, dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

21.01.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No