

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

LPA No.902 of 2019

Date of Decision :12.07.2019

Madan Lal

.....Appellant

Versus

State of Punjab and others

..... Respondents

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

Present : Mr. R.K.Arora, Advocate for the appellant.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

This *intra Court* appeal, under clause X of the letters patent, is directed against the judgment and order dated 03.08.2018, non-suiting the appellant-petitioner and dismissing the writ petition seeking a direction for his promotion to the post of Laboratory Attendant from the date when his juniors were promoted and for release of all the consequential benefits accrued therefrom.

Learned Single Judge after considering the entire facts and circumstances in detail dismissed the writ petition on the ground of inordinate delay and laches on the part of the appellant in approaching this Court by making following observations:-

“It is seen that the petitioner has been agitating his claims for the past so many years together but could not approach the court and seek relief, which he may have been entitled under law. The petitioner has let the time pass away

and has permitted third-party rights to be crystallized over the past so many years together, as many persons have by now become senior to him. It may be a case that his juniors have indeed been wrongly promoted over and above him, however, he was required to raise his claim at an appropriate time and cannot be permitted to knock the doors of the court at his own whims and fancies.

In view of the above without going into the question regarding the validity of claim raised by petitioner this court is of the opinion that the present writ petition is liable to be dismissed solely on the ground of delay and laches, as the claim of petitioner has become stale. Further, the star argument of petitioner that his name has been recommended by respondent Department as late as on 17th of January 2018, would not also come to his rescue for two reason. *Firstly*, the said letter/order would not revive the cause of action which had accrued to him, even as per the case of the petitioner, way back in the year 1996. *Secondly*, an inter-department communication cannot be relied upon by the Court for the purpose of granting any benefit as the said communication is confidential in nature and does not create any vested right in petitioner”.

Having gone through the pleadings of the case we are also of the considered opinion that there has been an inordinate delay on the part of the appellant-petitioner in approaching the Court to seek the relief. Admittedly, the cause of action arose to the petitioner in 1996, when according to his own case his juniors were promoted, instead of approaching the Court of law he went on making a representation after representation for over more than decades. Hon'ble Apex Court has

unequivocally held in **Union of India v. M.K. Sarkar, 2010 (2) SCC 59**, that by mere making of representations the limitation which starts running does not come to an end and the litigant cannot be permitted to choose his own timings to approach the Court of law whenever he so desires.

In view of the above, we do not find any illegality in the impugned judgment of the learned Single Judge non-suiting the appellant-petitioner on the ground of inordinate delay in approaching the Court. Thus, the impugned order does not require any interference. The appeal accordingly fails and stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

12.07.2019

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No