

Sr. No.208

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

CWP No.15465 of 2013 (O&M)

Date of Decision: 01.10.2019

Tirath Singh Malla

... Petitioner

Versus

PEPSU Road Transport Corporation and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Vaibhav Sharma, Advocate for
Mr. Sanjiv Gupta, Advocate,
for the petitioner.

Mr. Anupam Singla, Advocate,
for the respondents.

ARUN MONGA, J.(ORAL)

Inter alia, issuance of a writ in the nature of mandamus has been sought by petitioner commanding the respondents to promote him as Works Manager from the post of Service Engineer with effect from the due date i.e. in the year 1992 as against 07.05.2013, when he was promoted vide order dated 24.05.2013 (Annexure P-17).

2. I have heard rival contentions of learned counsels and gone through the pleadings along with record appended thereto. I am of the view that there is no scope for interference in the extraordinary writ jurisdiction vested under Article 226 of the Constitution of India particularly, in view of the petitioner having acquiesced and abandoned, his right to challenge order dated 24.05.2013 (Annexure P-17), which was passed pursuant to

directions of this Court in an earlier petition instituted by the petitioner vide CWP No.11654 of 2012. Even prior thereto, petitioner had instituted an another writ petition bearing CWP No.887 of 1996, which too, was disposed of by this Court by directing the respondents to decide his representation by passing a speaking order.

3. A speaking order dated 19.11.1996 (Annexure P-10) was thus passed, wherein it was observed that petitioner would be considered for promotion to the next rank as and when the promotion to the next higher rank i.e. Works Manager is made as per seniority-cum-merits. Even the said order was never challenged by the petitioner.

4. In the aforesaid backdrop the respondents had kept petitioner's promotion pending on the premise that as and when the next promotion is made, he would be granted the benefit of the same. In terms thereof, it was in due course accorded to him on 07.05.2013.

5. Even otherwise, record of the case would reflect that petitioner has since retired on attaining the age of superannuation on 31.03.2014 during pendency of the writ petition and the same also dis-entitles him to seek the benefit, at this stage.

6. Even in the present writ petition, there is no prayer for quashing of above said order (Annexure P-10). In any case, the same has attained finality in view of delay and laches and acquiescence of the petitioner in having accepted the same.

7. Petition is dismissed being devoid of merit.

8. No order as to costs.

01.10.2019

vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No