

CWP No. 3308 of 2020

Date of Decision: 07.02.2020

Bal Krishan Chaudhary

.....Petitioner

Versus

Haryana Vidhut Parsharn Nigam Limited and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Naveen Daryal, Advocate
for the petitioner.**NIRMALJIT KAUR, J. (ORAL)**

The present writ petition is filed praying for grant of seniority from the date when their juniors were granted, which was stated to be 24.09.2013 w.e.f. 30.08.1997.

While explaining the delay, learned counsel for the petitioner submitted that the petitioner was granted step up of his pay at par with his juniors on 05.05.2016. Therefore, the natural consequences of the same would also be that they should grant him the seniority when his juniors Sunil Kumar and R.S. Deswal was granted vide Annexure P-5.

Heard.

The petitioner had approached the Court for step up of his pay from the date when his juniors were granted for the first time by way of filing a writ petition bearing CWP No.12661 of 2011, which was disposed of on 11.03.2014 with a direction to the respondents to consider the case of the petitioner. Thereafter, the petitioner filed contempt petition, which was disposed of, vide order dated 29.02.2016, on the ground that the step up has been granted. However, liberty was granted to the petitioner in the contempt petition to claim his arrears from 03.05.1978 till the date of his retirement.

Today, learned counsel for the petitioner states that the same too has been granted.

Now, in his third round of litigation, the petitioner is praying for seniority from the date when his juniors were granted in the year 2013. The petitioner did not ask for his seniority when he filed his first writ petition. He did not even ask for liberty to make a claim qua seniority when the contempt petition was disposed of. Thereafter, the petitioner filed his representation seeking arrears in pursuance to his step up from 03.05.1978 to 06.11.1979 but still he did not claim the said relief of seniority. Today, a fresh writ petition has been filed seeking seniority from the date when his juniors were granted i.e. allegedly in the year 2013. If at all, the cause of action arose to the petitioner much earlier but even if the date of grant to his juniors is taken into consideration i.e. 2013 even then, the petitioner is coming to this Court after almost 7 years of passing of the same.

Dismissed accordingly on the ground of delay and latches.

07.02.2020
sandeep

(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No