

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

CWP-9893-2020.
Date of Decision:-11.11.2020.

Gurjant Singh and others

..... Petitioners

Versus

The State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. R.K. Chopra, Senior Advocate with
Mr. Gaurav Chopra, Advocate for the petitioners.

Ms. Maloo Chahal, DAG, Punjab.

SANJAY KUMAR, J. (Oral)

The petitioners, 13 in number, are retired employees of the Department of Agriculture, State of Punjab. By way of this writ petition, they assail the Memo dated 09.01.2020 (Annexure P-6) issued by the Director, Agriculture and Farmer Welfare Department, Punjab, rejecting their claim for promotion to the posts of Agriculture Extension Officer. They seek a consequential direction to the authorities to promote them to said posts on notional basis w.e.f. 04.03.2014, being the date on which their juniors were promoted.

The petitioners entered service as Beldars and were thereafter promoted as Agriculture Sub Inspectors. Admittedly, they retired from service in that capacity between the years 2017 and 2020, i.e., prior to the institution of this case. According to the rules, 233 posts of Agriculture Extension Officer were to be filled by way of promotion from the category of Agriculture Sub Inspectors. The State of Punjab undertook such promotional exercise and by order dated 04.03.2014, 100 Agriculture Sub Inspectors were promoted. The petitioners claim that their juniors in the cadre of Agriculture Sub Inspectors were also promoted, ignoring them.

The petitioners claim to have made representations to the authorities in this regard. However, copies of the same have not been produced. Only the legal notice dated 09.01.2019 (Annexure P-4) that was gotten issued by them is placed on record. After issuance of the said legal notice, it appears that the petitioners filed **CWP-32210-2019** before this Court seeking a direction to the authorities to promote them as Agriculture Extension Officers w.e.f the date their juniors were promoted, with all consequential benefits. By order dated 06.11.2019, this Court took note of the fact that the petitioners' legal notice dated 09.01.2019 (Annexure P-4) was still pending consideration and disposed of the writ petition directing the authorities to take a decision thereon within a time frame.

Significant to note, this Court specifically observed that the said order was passed without commenting upon the merits of the case or about the entitlement of the petitioners for the relief claimed by them in the said legal notice. It is pursuant to the aforestated order that the impugned

Memo dated 09.01.2020 (Annexure P-6) came to be issued by the Director, Agriculture and Family Welfare Department, Punjab. Thereby, he rejected the claim of the petitioners on the ground that they were not eligible for promotion as they did not possess the requisite qualification in terms of the relevant rules.

Mr. R.K. Chopra, learned senior counsel for the petitioners, would contend that this understanding of the Director is factually incorrect. However, this Court is of the opinion that the petitioners would first have to surmount the initial hurdle of the patent delay and laches on their part in seeking redressal of their grievance before addressing the merits of the rejection of their claim. Even if the Director did not cite this apparent delay as a ground in the impugned Memo, this Court cannot ignore the same. More so, as the question of their entitlement was left open by this Court in the earlier round of litigation.

It is an admitted fact that juniors of the petitioners were promoted as long back as in March, 2014, overlooking the petitioners. There is no evidence of any protest or steps having been taken by the petitioners at that point of time. To compound matters further, the petitioners chose to remain practically inert till they retired from service as Agriculture Sub Inspectors or were on the verge thereof. In effect, the petitioners were not vigilant about their right to be considered for promotion at the appropriate time while they were in service. It was only on the brink of the retirement of some of them and after the retirement of the others that they chose to agitate their grievance by getting issued legal notice dated

09.01.2019. When the cause of action arose in March, 2014 itself, the petitioners cannot sleep over the matter till their retirement from service or the eve thereof and thereafter seek promotion on a notional basis. It is not as if the petitioners now seek only a paper promotion. They also want re-fixation of their pensionary benefits by giving them the benefit of notional promotion from 2014, though they never worked a single day in the promotional post.

Having deliberately chosen to remain somnolent all along, the petitioners cannot ask for such benefits at this late point of time. The delay and laches on their part are writ large and disentitle them from seeking relief at this belated stage. The writ petition therefore fails on this preliminary ground and is accordingly dismissed.

No order as to costs.

(SANJAY KUMAR)
JUDGE

November 11, 2020.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.