

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

**CWP-11485-2015 (O&M)
Date of Decision: 10.02.2020**

Niranjan Singh

... Petitioner

Versus

Punjab State Cooperative Agricultural Development Bank Ltd. & others

... Respondents

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

Present:- Mr. M.S. Sarao, Advocate for the petitioner.

Mr. Tarun Kumar, Advocate for
Mr. Nitin Kaushal, Advocate for respondents No.1 and 2.

Mr. A.K. Walia, Advocate for respondent No.3.

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TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner has filed the instant writ petition assailing the order dated 07.04.2015 (Annexure P-1) passed by the Managing Director, Punjab State Cooperative Agricultural Development Bank Limited, Chandigarh declining his claim seeking promotion to the post of Assistant Manager w.e.f. the date his junior, namely, Sukhwinder Singh/respondent No.3 had been so promoted on 10.03.1998.

Having heard counsel for the parties at length, this Court is of the considered view that the validity of the impugned order dated 07.04.2015 (Annexure P-1) need not be examined on merits.

The uncontroverted factual premise is that that petitioner joined services of the respondent/Bank on 07.07.1987 as a Field Officer. In the year 1998, as per prevailing seniority position, his name was reflected junior to the 3rd respondent. Acting upon such seniority position, the 3rd respondent

was promoted to the post of Assistant Manager. It is the case put forth by counsel for the petitioner himself that such seniority position was corrected in the years 1999-2000 and whereby petitioner was reflected senior to the 3rd respondent. Accordingly, repeated representations were preferred upto the year 2011 claiming benefit of promotion w.e.f. the date the 3rd respondent had been so promoted to the post of Assistant Manager. No response having been evoked petitioner filed CWP-25900-2014 in this Court and which was disposed of on 17.12.2014 at Annexure P-2 with a direction to consider and to deal with the legal notice that had been served. It is against such brief factual backdrop that the impugned order dated 07.04.2015 at Annexure P-1 has been passed rejecting the claim of the petitioner.

In the considered view of this Court, there has been an inordinate and unexplained delay in the matter. Even if the case of the petitioner is taken at its highest pedestal, the cause of action has arisen to the petitioner in the year 1999-2000 when the seniority position was corrected and petitioner was shown senior to the 3rd respondent. Petitioner chose not to agitate the matter but had filed repeated representations from the year 2000 till 2011. Thereafter a writ petition was filed in this Court which was disposed of on 17.12.2014 (Annexure P-2) for deciding the legal notice. Such order/direction issued by this Court cannot enure to the benefit of the petitioner to cover up delay as an order for deciding a legal notice cannot be construed as if this Court has condoned the aspect of delay.

In matters of promotion and seniority, the Hon'ble Supreme Court in the case of **P.S. Sadasivaswamyy Vs. State of Tamil Nadu, AIR 1974 SC 2271** has observed as follows:

“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.”

Applying the dictum laid down by the Hon'ble Apex Court **P.S.**

Sadasivaswamy's case (supra), claim raised in the instant petition is clearly time barred.

Another aspect that has weighed with this Court in declining to interfere in the matter is that the petitioner stands superannuated w.e.f. 30.05.2014. The instant writ petition has been filed thereafter.

Petition is dismissed on the ground of delay itself.

Dismissed.

10.02.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |