

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

**CWP-34110-2019 (O&M)
Date of Decision:14.02.2020**

Daljit Singh Sidhu

... Petitioner

Versus

State of Punjab & others

... Respondents

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

Present:- Mr. Deepak Goyal, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner is currently serving on the post of Superintending Engineer under the Punjab State Power Corporation Limited.

Pleadings on record would indicate that orders had been issued in the year 1999 promoting the petitioner to the post of Assistant Executive Engineer. Petitioner actually joined on such promotional post in the year 2000.

Instant writ petition is directed against the order dated 22.08.2019 (Annexure P-13) declining his claim for retrospective promotion along with consequential benefits on the post of Assistant Executive Engineer w.e.f. 20.08.1996 instead of the year 1999.

Counsel has been heard.

The cause of action had accrued to the petitioner in the years 1999-2000 itself. The inordinate delay of almost two decades is sought to be overcome by stating that the claim of the petitioner has been rejected only in the year 2019 vide impugned order dated 22.08.2019 (Annexure P-13).

Such submission advanced by counsel is not well founded.

The petitioner having actually been promoted to the post of Assistant Executive Engineer in the year 1999 and having joined on such promotional post in the year 2000, ought to have agitated the matter within a reasonable time frame, if he had any reasonable ground to claim retrospective promotion on such post w.e.f. the year 1996. Petitioner rather had chosen to file repeated representations in such regard. It so happens that a request letter submitted by the petitioner on 13.08.2019 at Annexure P-12 has been dealt with by the department by issuance of impugned order dated 22.08.2019 (Annexure P-13). It may be observed that the impugned order has been invited by the petitioner on account of repeated representations having been filed. This in itself would not enure to the petitioner to overcome the aspect of delay.

In matters of promotions and seniority, the Hon'ble Supreme Court in the case of **P.S. Sadasivaswamy Vs. State of Tamil Nadu, AIR 1974 SC 2271** examined the issue of an employee invoking the extraordinary writ jurisdiction of a High Court under Article 226 of the Constitution of India at a belated stage in matters of promotion and seniority and held as under:-

“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.”

That apart, it is by now well settled that repeated representations would not furnish a fresh cause of action. A reference in this regard may be made to the decision of the Apex Court in **S.S. Rathore Vs. State of Madhya Pradesh, AIR 1990 SC 10.**

If the claim of the petitioner as raised in the present petition were to be accepted in the year 2020 as regards granting benefit of retrospective promotion on the post of Assistant Executive Engineer w.e.f. 20.08.1996 instead of 1999, it would tantamount to unsettling settled matters. The same is not permissible in law.

Writ petition is dismissed on the ground of delay.

14.02.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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