

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

**113**

**Civil Writ Petition No.10768 of 2021 (O&M)  
Date of Decision: June 29, 2021**

Mahinder Singh

**.....Petitioner.**

**VERSUS**

State of Haryana and others

**.....Respondent.**

**CORAM:- HON'BLE MR. JUSTICE G. S. SANDHAWALIA**

Present: Mr. Dhiraj Chawla, Advocate  
for the petitioner.

(The proceedings are being conducted through video  
conferencing, as per instructions)

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**G.S. SANDHAWALIA, J.**

By filing present civil writ petition under Article 226 of the Constitution of India, the petitioner seeks notional promotion to the post of Math Master w.e.f. 11.09.2003 instead of 17.01.2004 when his juniors were promoted as such. Consequently, he also seeks placement of his seniority above No.2413 in the seniority list of Masters as on 01.01.2017, with all consequential benefits.

It is admitted case that petitioner was appointed as J.B.T. Teacher vide appointment letter dated 11.12.1997 in pursuance of which he joined on 12.12.1997. It is his case that despite being eligible, he was not promoted on 11.09.2003 as Math Master when his juniors were promoted vide order (Annexure P-3). He was promoted only on 17.01.2004 vide order (Annexure P-4). He made a representation to respondent No.2 vide

letter dated 29.09.2009 (Annexure P-5) giving the reference of his juniors for redressal of his grievance.

It is not disputed that vide letter dated 25.02.2010 (Annexure P-6), his case for promotion was declined by the respondents on the ground that he had passed his B.Ed in August, 2003 and his promotion case was received in the office of D.P.E.O., Jind on 24.10.2003.

Thus, it is apparent that from the year 2009, petitioner has kept silent for his claim, which was rejected at that point of time.

Counsel for the petitioner has submitted that it is a recurring cause of action but this Court is not inclined to entertain the grievance regarding promotion given to the juniors, which has to be redressed at the earliest. Petitioner has failed to take any redressal action on his rejection in the year 2010 and now, as such, claimed direction for consideration only on the ground that he has served a legal notice on 27.08.2020 (Annexure P-7).

Reliance can be placed on the judgment of Hon'ble Supreme Court in case of ***P.S. Sadasivaswamy Vs. State of Tamil Nadu 1975 (1) SCC 152***, in which it has been held that in case of demand of promotion, the same should be sought within 6 months. The relevant part reads 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.”*

The above referred settled law is being constantly followed thereafter.

Accordingly, keeping in view the above facts, this Court does not deem it appropriate to exercise its extraordinary writ jurisdiction. In these circumstances, the present writ petition is dismissed in limine.

**June 29, 2021**  
*Sachin M.*

**( G. S. SANDHAWALIA )**  
**JUDGE**

|                                   |               |
|-----------------------------------|---------------|
| <i>Whether speaking/reasoned:</i> | <i>Yes/No</i> |
| <i>Whether Reportable:</i>        | <i>Yes/No</i> |