

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

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**CM-12482-CWP-2021 in/and
CWP No.14982 of 2021
Decided on : 07.09.2021**

Narender Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr.V.P.Sangwan, Advocate, for the applicant/petitioner.

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

G.S. Sandhawalia, J. (Oral)

CM-12482-CWP-2021

Application for placing on record orders dated 13.10.1999 and 15.11.2002 as Annexures P-9 and P-10 and exemption from filing certified copy of the same, is allowed, in view of the averments made in the application, duly supported by affidavit. Said documents are taken on record, subject to just exceptions. Office to tag the same at appropriate place.

CM stands disposed of.

CWP-14982-2021

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India is for quashing the promotion order of respondents No.4 to 6 and other similarly situated teachers who got recruited/promoted as PGT on the basis of Post-Graduation Degree passed on the basis of false documents. Resultantly, appropriate action has been sought against the private respondents.

On the last date of hearing, counsel for the petitioner was asked to place on record the promotion orders pertaining to respondents No.4 to 6, on the basis of which, the cause of action has arisen to him and on account of which, he is seeking the benefit.

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Vide Annexures P-9 & P-10, the promotion orders whereby the Masters/Mistress were adjusted and promoted as Lecturers of Commerce on 13.10.1999 and thereafter, have earned promotions to the post of Principal on 15.11.2002, have now been placed on record. It is, thus, apparent that the petitioner now is estopped from challenging the said promotion orders, at this belated stage, in view of the settled law which restricts from raising challenge to the seniority of co-employees. It is to be noticed that petitioner had earlier filed CWP-2783-2021, which was dismissed as withdrawn on 09.02.2021, while giving the petitioner liberty to pursue his legal notice. The said order reads as under:

“At the very outset, learned counsel for the petitioner wishes to withdraw this petition with liberty to pursue legal notice dated 29.12.2020.

Dismissed as withdrawn with the aforementioned liberty.”

Keeping in view the above, this Court is of the opinion that the petitioner cannot be allowed to wake up from his slumber at his convenience and start initiating litigation on the basis of the alleged fraud.

Keeping in view the above background and history, this Court is of the opinion that no such liberty can be granted, at this belated stage, after 20 years, to an employee who has slept over his rights.

Resultantly, finding no merit in the present writ petition, the same is dismissed in limine.

September 07, 2021
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No