

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

Sr. No.118

CWP No.16729 of 2022

Date of Decision: 23.08.2022

Banwari Lal

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gagandeep Rana, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present petition, the grievance of the petitioner is that the claim of the petitioner for the grant of promotion to the post of Head Clerk with effect from the date the person junior to him was promoted, has been declined by the respondents.

Learned counsel for the petitioner argues that in the present case, the petitioner had initially joined as a Bandman on 28.12.1979 and was further promoted as Storeman on adhoc basis on 12.01.1985, whereas Sh. Ramphal, was appointed as a temporary Storeman for the first time on 28.05.1985. Thereafter, on 02.02.1995 the petitioner along with Ramphal was promoted as a Clerk, which promotion was withdrawn by the respondents. After the withdrawal of the said benefit, the petitioner continued working as a Storeman whereas, Ramphal was given promotion as a Head Clerk on 30.06.2009. The petitioner was promoted as a Head Clerk on 08.05.2014 and ultimately, retired from the said post whereas Ramphal was further promoted as Platoon Commander on 14.07.2015, from which post he retired on 30.11.2017.

deserves to be dismissed on account of delay and laches only.

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Therefore, in case at this belated stage if similar relief is to be given to the persons who have not approached the court that will unnecessarily overburden the Nigam and the Nigam will completely collapse with the liability of payment to these persons in terms of two years' salary and increased benefit of pension and other consequential benefits. Therefore, we are not inclined to grant any relief to the persons who have approached the court after their retirement. Only those persons who have filed the writ petitions when they were in service or who have obtained interim order for their retirement, those persons should be allowed to stand to benefit and not others."

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In view of the above authoritative enunciation of law by Hon'ble the Supreme Court and this Court, the present writ petition filed by the petitioner nearly after 9 years of his retirement to claim certain benefits, which may be due to him while in service, certainly deserves to be dismissed on account of delay and laches as there is no satisfactory explanation available for delay."

Keeping in view the above, the prayer of the petitioner for granting him promotion w.e.f. 30.06.2009 can not be allowed. No ground is made out for interference by this Court.

Petition stands dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

23.08.2022

MANINDER
2022.09.09 16:55
I attest to the accuracy and
authenticity of this
order/judgment

Maninder	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No