

221

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

CWP-17184-2016

Date of Decision: 12.05.2022

Ram Chander

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jaspal Singh Maanipur, Advocate,
for the petitioner.

Mr. Narender Singh Behgal, AAG, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

The present petition has been filed by the petitioner, claiming that once one Swaran Singh Bawa, who was junior to the petitioner, was promoted to the post of Company Commander on 31.07.1986 by wrongly ignoring the petitioner and thereafter another employee, namely Wazir Chand, who was also junior to the petitioner, was initially promoted to the said post on 17.05.2005 but thereafter w.e.f. 31.07.1986, the petitioner is also entitled for the grant of promotion to the post of Company Commander, with effect from the date when the said junior, namely Swaran Singh, was promoted to the said post. The reliance is being placed upon the order passed by a co-ordinate Bench of this Court in **CWP-4301-1998**, titled as **“Wazir Chand Vs. State of Haryana and others”**, decided on 21.07.2015, to contend that once the said Wazir Chand has been granted the benefit of retrospective promotion, with effect from the date when Swaran Singh was promoted, the said benefit of promotion to the post of Company

Commander be also extended to the petitioner.

After notice of motion, the respondents have file the reply, wherein it has been mentioned that the present petition is highly belated and is liable to be dismissed on the ground of delay itself as the petitioner retired from service on 31.01.2002 and the present petition has come in the year 2016 and that too, on the issue of promotion, which was effected in the year 1986. As such, prayer of the respondents is that the present petition may kindly be dismissed on the ground of delay itself.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The petitioner is raising up a service dispute after a period of thirty years and that too when the petitioner had retired fourteen years before filing the present petition.

As per the judgment passed by this Court in the case of “***Suraj Mal Vs. State of Haryana***”, 2015 (1) S.C.T. 31, no service dispute can be adjudicated upon, especially after a period of nine years of the retirement. The relevant paragraphs of the said judgment are as under:

“ - x - x -

2. *Considering the fact that the writ petition has been filed nearly 9 years after retirement claiming certain benefits, the issue regarding which could be raised when the petitioner was in service, the petition at this stage deserves to be dismissed on account of delay and laches only.*

- x - x -

9. *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.”

In the present case, the petitioner has raised up a service dispute of promotion *viz-a-viz* one of his juniors, after a period of thirty years of the said promotion and fourteen years after his own retirement. At this belated stage, the said claim of the petitioner cannot be considered. With regard to the reliance being placed upon the decision of the coordinate Bench of this Court passed in **Wazir Chand's case** (supra) by the petitioner, the said Wazir Chand had filed the petition in the year 1998, before his retirement, and therefore, the petitioner cannot be put at the same pedestal as Wazir Chand.

In view of the above, the present petition cannot be entertained at this belated stage keeping in view the settled principle of law as laid down by the Hon'ble Supreme Court of India passed in **Suraj Mal's case** (supra) and the same is accordingly dismissed.

12.05.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned : Yes
2. Whether reportable : No