

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

**CWP-28282-2022 (O&M)
Date of Decision:08.12.2022**

Shamsher Singh	Versus	Petitioner
State of Haryana and others		...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Chanderhas Yadav, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl. A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing the respondent-authorities to consider the promotion of the petitioner on the post of Assistant w.e.f. the year-2012 for all intents and purposes.

2. Succinct facts first. Petitioner was appointed as Clerk on 12.04.1990 after following due process and his name was recommended by the Staff Selection Commission to the department, but the joining was not given to the petitioner considering the fact that the department was not having any vacancy. Thereafter, the petitioner joined on 15.09.1992 and since then he was working continuously. In the year-2000, the first ACP was not granted to the petitioner, considering the fact that ACR of the petitioner for the year 2001-2002 was "He needs improvement in his conduct with public and officials of other office". Due to the said remarks, the first ACP was not granted in the next year also i.e. during the year 2000-01. Thereafter

since 2002 upto 2012 there were no adverse remarks in the ACRs of the petitioner and his act and conduct was above board. As per Haryana Civil Service Rules, for promotion to the next post, last 10 years ACRs are required to be 75% above board. Whereas, in the case of the petitioner, the last 10 ACRs entries are 100% above board. However, the case of the petitioner was considered for promotion to the post of Assistant in the year-2017 alongwith persons, who were appointed in the year 2012 and he was promoted w.e.f. 29.07.2017. He approached the respondent authorities to promote him w.e.f. 2012, but to no avail.

3. Grievance of the petitioner concededly arises on account of not having promoted in the year-2012. Even if the said argument is accepted for the sake of testing the merits thereof, it transpires that his cause of action arose in the year-2012 and to turn around after 10 years to make hue and cry at this stage, is hit by delay and laches. Not only that, having acquiesced to his *fate accompli*, the petitioner can not as a *volte face* turn around and challenge what he had earlier accepted.

4. In the premise, petition is dismissed on the ground of delay and laches.

(ARUN MONGA)
JUDGE

December 08, 2022

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No