

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

373

**CWP-13571-1995
Date of decision: 25.01.2023**

DEVINDER KUMAR MAKKAR

..Petitioner

Versus

STATE OF PUNJAB AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. N.K. Suneja, Advocate
for the petitioner.

Mr. R.K. Kapoor, Add. A.G. Punjab.

Mr. K.L. Arora, Advocate
for respondent No.4.

ANIL KSHETARPAL, J(Oral)

The petitioner prays for issuance of a writ in the nature of certiorari to quash the impugned tentative seniority list (Annexure P-6) in which the petitioner has been shown junior to Sh. Jarnail Singh. He also prays for issuance of a writ in the nature of mandamus directing the respondents to promote the petitioner to the post of Superintendent Grade-II, which has fallen vacant on 31.08.1995, on the ground of him being the senior most Senior Assistant and also to grant him seniority and consequential benefits w.e.f. 27.03.1973 i.e. the date on which Sh. Mohan Singh-respondent no.3 was illegally promoted to the post of Assistant.

Admittedly, Sh. Mohan Singh was promoted as Assistant Grade-I on 27.03.1973. The petitioner claims that though he was senior to Sh. Mohan Singh but his preferential claim was not considered. Thereafter, Sh. Mohan Singh, was promoted further to the post of Assistant Grade-II on 31.08.1995. The cause of action arose in the year 1973, whereas, this writ petition has been filed in the year 1995. Thus, there is an obvious delay of

23 years in filing the writ petition. The learned counsel representing the petitioner submits that Sh. Mohan Singh was promoted as Assistant Grade-II in the year 1995, therefore, the cause of action arose in the said year. He further submits that Sh. Mohan Singh filed a writ petition in the year 1980, challenging the petitioner's seniority which was ultimately dismissed in default in the year 1992.

It is not disputed that before an official can be considered for the promotion to Assistant Grade-II, he has to be Assistant Grade-I. Sh. Mohan Singh was promoted as Assistant Grade-I in the year 1973. Thus, the cause of action in favour of the petitioner arose in the year 1973. Moreover, the filing of the writ petition by Sh. Mohan Singh challenging the petitioner's seniority would not give rise to a fresh cause of action in favour of the petitioner. Moreover, the promotion of Sh. Mohan Singh as Assistant Grade-II is from the feeder cadre, Assistant Grade-I. The petitioner was not a member of the cadre of Assistant Grade-I in the year 1995.

Keeping in view the aforesaid facts, it is well settled that filing repeated representations is not sufficient to justify the period of delay.

Hence, no ground to issue the writ, as prayed for by the petitioner, is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

January 25th, 2023

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**(ANIL KSHETARPAL)
JUDGE**

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>