

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

CWP-3898-2023 (O&M)
Date of decision : 17.07.2023

DR. C.S. GREWAL (SINCE DECEASED)
THROUGH LRS.

...Petitioners

Versus

CHANDIGARH ADMINISTRATION AND
ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. R.S. Bains, Senior Advocate assisted by
Ms. Aarushi Garg, Advocate
for the petitioners.

HARSH BUNGER, J. (ORAL)

1. Petitioners, who are the legal representatives of Dr. C.S. Grewal (since deceased) have filed the instant writ petition under Articles 226/227 of the Constitution of India, praying for an appropriate writ, order or direction to the respondents to promote the husband of petitioner No.1(i) to the post of Professor under 'Career Advancement Scheme-2012' (for short 'CAS-2012) with effect from the date the similarly situated persons were considered and promoted and the same has been denied to Dr. C.S. Grewal (since deceased), on the ground that he was in service upto 31.05.2014 and the interview for CAS-2012 was held in the year-2013; therefore, Dr. Grewal, had to apply for the next CAS and that it was too late to process the promotion case of Dr. Grewal.

2. Briefly, the husband of petitioner No.1(i) namely, Dr. C.S. Grewal (since deceased), joined Punjab Engineering College, Chandigarh as Lecturer on 02.04.1987 as per the UGC qualification and pay

scale of Rs.700-1600/-. It is stated that Dr. Grewal was also having a Ph.D degree at the time of joining and thereafter, on 02.04.1992, he was promoted as Senior Lecturer by the respondents vide letter dated 13.03.1996 in the UGC Pay Scale of Rs.3000-5000/- along with six other teachers. As per the petitioners, Dr. Grewal was promoted as Lecturer Selection Scale/Assistant Professor in the grade of Rs.12,000-18,300/- w.e.f. 02.04.1997 by the Chandigarh Administration vide Memo dated 01.10.2014 along with 23 other teachers from the date of their eligibility in accordance with UGC notification dated 24.12.1998 and AICTE guidelines dated 03.01.2003. Accordingly, Punjab Engineering College (respondent No.2) promoted Dr. Grewal vide Office order No.1296 (Annexure P-2) and subsequently, Dr. Grewal was promoted to the post of Assistant Professor/Associate Professor w.e.f. 27.05.2005 by Punjab Engineering College vide Office order No.967 dated 26.10.2006 in the pay scale of Rs.12,000-18,300/- from 27.05.2000 under CAS-2012 of the AICTE, as approved by the Board of Governors.

3. As per the petitioners, Dr. Grewal, in the year-2008, with due permission from Punjab Engineering College, appeared in an interview for the post of University Director of Physical Education in Punjab University wherein he was selected and served as Director of Physical Education at Punjab University from 23.10.2008 to 30.03.2012 keeping lien with Punjab Engineering College.

4. It is the case of the petitioners that Dr. Grewal applied for promotion to the post of Professor under CAS-2012 on 25.06.2012 and thereafter, in the year-2013 CAS interview for promotion to the post of Professors was conducted by Punjab Engineering College only regarding

selected departments sans the department of Dr. Grewal i.e. Physical Education and Sports.

5. Concededly, Dr. Grewal superannuated from the Punjab Engineering College, on 31.05.2014 as Associate Professor only. The petitioners claim that Dr. Grewal sought information under the Right to Information Act regarding the status of application dated 25.06.2012; whereby, Dr. Grewal had applied for promotion to the post of Professor under CAS-2012; whereupon Dr. Grewal was informed that no official record regarding CAS-2012 is available. It is claimed that the approach of the respondents towards Dr. Grewal, was totally discriminatory as under the CAS-2012, cases for promotion to Professor of many faculty members were sent to the Joint Secretary, Technical Education, Chandigarh Administration, vide Memo dated 01.10.2013 for necessary action by the Registrar, PEC University of Technology; however, name of Dr. Grewal was missing from the said list. Petitioners have referred to the cases of Dr. Jagtar S. Gill, Dr. Ashwani Kumar, Dr. Amit Halder and others, to contend that the cases of said persons were considered and they were promoted vide separate orders.

6. As per the petitioners, Dr. Grewal, had sent several reminders to the respondents; however, it is stated that the respondents have responded only to letters dated 12.07.2019 and 19.07.2019. Petitioners state that the case of Dr. Grewal was put up before the Director for consideration and the Director opined that since Dr. Grewal, was in service upto 31.05.2014 and the interview for CAS-2012 was held in the year-2013; accordingly, if Dr. Grewal was not informed about the status of his CAS-2012 application then Dr. Grewal should have submitted a grievance in this regard before the

competent authority and it was too late to process the application of Dr. Grewal as he was supposed to apply for the next CAS. It is claimed that the promotion to the post of Professor by the respondents, has not been denied to Dr. Grewal (husband of petitioner No.1(i)) on account of ineligibility or otherwise being unqualified rather the same has been denied only on the ground that Dr. Grewal had not applied afresh. Accordingly, it is contended that Dr. Grewal has been discriminated against and in the afore-mentioned circumstances, the present writ petition has been filed.

7. I have heard learned senior counsel for the petitioners and have perused the paper book with his able assistance.

8. It appears that the claim of Dr. Grewal was not considered by the respondents on the ground that it was too late to process his promotion case as Dr. Grewal, failed to enquire about the status of his application under CAS-2012 and also that Dr. Grewal had failed to apply afresh for next CAS.

9. On a pointed query raised to learned senior counsel for the petitioners as to whether there was any representation prior to the year-2019 made by Dr. Grewal to the respondents or any other application under the CAS submitted by Dr. Grewal subsequent to the year-2012, learned senior counsel has fairly stated that there is no such representation nor any application under the CAS was submitted by Dr. Grewal subsequent to the year-2012 and he has referred to only the representation made in the year-2019.

10. In view of the afore-said submissions made by learned senior counsel for the petitioners, I am of the considered view that the cause of action, if any, that had accrued to Dr. C.S. Grewal, was in the year 2012-2013 when he had applied for promotion under CAS-2012. It

appears that thereafter, no action was taken by Dr. Grewal and the only representation, which is stated to have been filed by Dr. Grewal, is in July-2019, in reference to which, the Punjab Engineering College had issued a letter dated 27.08.2019 (Annexure P-20), which reads as under :-

“Subject : Regarding promotion under CAS Scheme as Professor.

Please refer to your letter dated 12.07.2019 and 19.07.2019 on the subject cited above.

In this regard, it is intimated that your case was put up to the Director for consideration and the Director is of the opinion that since you were in service upto 31.05.2014 and the interview for CAS 2012 was held in the year 2013. If you were not informed about the status of your CAS application, you should have submitted a grievance in this regard before competent authority. It is too late to process your case, as you should have applied for the next CAS.”

A perusal of the aforesaid letter would manifest that the interview for CAS-2012 was held in the year-2013 and Dr. Grewal was in service only upto 31.05.2014 and no effort was made by him either to enquire about the status of his application under CAS-2012 nor any further fresh application was filed under any other CAS and neither there is any reference to any other representation prior to July-2019.

It is well settled law that the limitation to file a writ petition is the same as applicable in the case of filing of a Civil Suit i.e. three years. In ***M/s Shiv Shakti Foods vs State of Haryana and others (CWP No.22143 of 2011, decided on 29.11.2021)***, an Hon’ble Division Bench of this Court had held that the maximum limitation for filing the writ petition under Article 226 of the Constitution would not be more than the one prescribed

for filing of a civil suit.

11. In view of the above mentioned circumstances, the instant writ petition having been filed in the year-2023 suffers from gross delay and laches and the same is accordingly dismissed.

12. All pending application/s, if any, shall stand closed.

July 17th, 2023
gurpreet

(HARSH BUNGER)
JUDGE

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