

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 8343 of 2023

Date of Decision: 21.04.2023

Buta Ram

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Gurcharan Dass, Advocate
for the petitioner(s).

Mr. R.S.Pandher, Senior Deputy Advocate General,
Punjab.

Anil Kshetarpal, J.

1. The petitioner, on attaining the age of superannuation, retired on 28.02.2006. He prays for the following substantive relief:-

“i) issue a writ, order or direction especially in the nature of certiorari quashing Punjab Government office order dated 11.8.1999 bearing endorsement No. 21/25/94-4-BEII/4354-57 dated 24.8.1999 (Annexure P-1) and grant notional promotion to the petitioner on the post of Sub-Divisional Engineer on regular basis w.e.f. 1.1.1989 against reserve point lying vacant with all consequential benefits instead of 1.1.1995 at Roster Point No.51 in view of information supplied on 12.4.2019 (Annexure P-7); or in the alternative, to take a decision on representation dated 29.5.2019 (Annexure P-10) followed by legal notice dated 19.11.2019 (Annexure P-11):

or

In the alternative to take a decision on representation dated 29.5.2019 followed by legal notice dated

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19.11.2019 (Annexures P-10 & P-11).”

2. Previously, the petitioner the Civil Writ Petition No. 1874 of 2019, which was disposed of on 23.01.2019 while directing the respondents to decide the petitioner’s representation. The learned counsel representing the petitioner submits that the aforesaid representation was only qua the benefit under the Assured Career Progression Scheme.

3. As is evident, the petitioner claims for issuance of the suitable direction to the respondents to grant him notional promotion as Sub Divisional Engineer w.e.f. 01.01.1989. It is the case of the petitioner that despite the available vacancies, the service of the petitioner was not regularized upto 01.01.1995.

4. If the petitioner was to file a civil suit on the same cause of action, the same is likely to be dismissed on the ground of being barred by time. The jurisdiction under Article 226 of the Constitution of India is discretionary. It is extraordinary jurisdiction which can be availed only in appropriate cases. The Court can refuse to exercise the jurisdiction if it is satisfied that the grievance sought to be redressed in the writ petition suffers from delay and laches.

5. In this case, the delay is of nearly 24 years. Hence, this Court is not inclined to issue the writ exercising its extraordinary writ jurisdiction. Consequently, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

April 21, 2023
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No