

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

CWP-9249-2023

Date of decision : 02.05.2023

Kuldip Singh

....Petitioner

Versus

Punjab State Power Corporation Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. P.S. Khurana, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

By way of present writ petition filed under Article 226/227 of the Constitution of India, petitioner prays for issuance of a writ in the nature of certiorari seeking quashing of order dated 2nd of July, 2022 (Annexure P-6) whereby respondent No.4 has been promoted to the post of T-Mechanic, on the ground that petitioner has been illegally ignored despite being senior. Further prayer is for issuance of a writ in the nature of mandamus directing the respondents to promote the petitioner to the post of Lab Attendant and T-Mechanic from the date person junior to him i.e. respondent No.4 has been promoted.

2. Petitioner claims to have been recruited as a daily-wager and thereafter converted to a work charge employee w.e.f. 2nd of February, 1994. Petitioner was promoted to the post of Laboratory Attendant on 15th of May 2002 and is working as such. Petitioner claims that he came to know in February 2020 that one of his juniors namely Ashwani Kumar has been promoted as T-mechanic in February, 2020 and is stated to have served notice for demand of justice dated 2nd of July, 2020 upon respondent

authorities. The present writ petition has been filed in the year 2023.

3. Counsel for the petitioner on being asked as to how the claim w.r.t. promotion can be entertained beyond 6 months as held by the Apex Court in the case of '**P.S. Sadasivaswamy vs. State of Tamil Nadu**' (1975) **1 SCC 152** he submits that he gives up his claim *qua* quashing of the order of promotion pertaining to respondent No.4. However submits that mandamus be issued directing the official respondents to promote the petitioner to the post of Lab Attendant and T-Mechanic w.e.f. from the date when persons junior to him stand promoted and to release all consequential benefits.

4. Admittedly, the petitioner served notice (Annexure P-6) on 2nd of July 2020 claiming his promotion and thereafter has taken no steps before filing this petition after waking from slumbers. The law w.r.t. claim of promotion and to challenge the promotion has been well laid down by the Apex Court in the case of '**High Court of Patna vs. Madan Mohan Prasad**' (2011) **9 SCC 65**.

5. The belated claim of the petitioner that too in the light of admitted fact that he was aware of the same since 2020 cannot be entertained and the same is barred by delay and laches.

6. Resultantly, the present writ petition is ordered to be dismissed.

May 02, 2023
Dpr

(PANKAJ JAIN)
JUDGE

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