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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-11043-2015 (O&M)

Date of Decision: 11.09.2023

BHUPINDER SINGH

.....Petitioner

V/s.

***STATE OF PUNJAB THROUGH ITS PRINCIPAL SECRETARY,
DEPARTMENT OF EDUCATION, PUNJAB AND OTHERS***

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA.

Present Mr. Sukhdev Kamboj, Advocate,
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

SANJEEV PRAKASH SHARMA, J (Oral)

1. The petitioner has come up before this Court for assailing the order dated 12.04.2015 (Annexure P-11) passed by respondent No.1 in pursuance of the directions issued by this Court in the earlier Writ Petition filed by the petitioner i.e. CWP-22744-2013 decided on 11.10.2013.

2. Learned counsel for the petitioner submits that the petitioner came to know about the juniors having been promoted on the basis of date of joining only when the seniority list was published in the year 2012 and therefore, there was no delay on his part in approaching the Court and this Court directed the respondents to decide his legal notice within a period of 4 months.

3. Learned counsel for the petitioner submits that official respondent(s) reached to the conclusion that the promotion was wrongly granted to juniors on the basis of date of joining but did not extend the

benefit of promotion to the petitioner solely on the ground that he has approached the Court belatedly. Therefore, it is submitted that the impugned deserves to be set aside and the petitioner be granted the benefit from the date his juniors were promoted.

4. *Per contra*, learned State counsel supports the impugned order passed by respondent No.1 by submitting that the petitioner has already been granted promotion w.e.f. 30.05.2008.

5. I have considered the submissions of the counsel for both the parties.

6. It is an admitted position that the petitioner was promoted on 30.05.2008 while the persons who were granted promotion on 06.08.2001, were junior to the petitioner as reflected in the seniority list published in 2012. Before the seniority list was published, the promotions were, thus, given in 2001 and 2008 to the respondents No. 3 to 5 and the petitioner respectively.

7. The basis of promotion was the seniority *inter se* on the date of joining, which was later on revised in the seniority list published in 2012. The petitioner while being promoted on 30.05.2008 did not challenge the promotion awarded to the so called juniors on 06.08.2001. He has come to the Court only in the year 2013 for the first time i.e. after 14 years and the authority did not find it appropriate to set aside the promotions already granted 14 years back.

8. In the opinion of this Court, the decision taken by the concerned authority is judicious and does not warrant any interference of

this Court. Administrative chaos should be avoided and the things which have been already settled for the years, ought not be disturbed merely because one person has arisen from his slumber after a period of 14 years and makes an excuse relating to the seniority list. It is not possible that the petitioner who was promoted in 2008 would not know that the persons junior to him have already been promoted in 2001 and all of them are working as Lecturers at present.

9. In view of the aforesaid, the impugned order dated 12.04.2015 does not warrant any interference of this Court. Accordingly, the Writ Petition is devoid of merits and the same is **dismissed**.

10. All pending applications stand disposed of.

September 11, 2023

Ess Kay

**[SANJEEV PRAKASH SHARMA]
JUDGE**

Whether speaking / reasoned : *Yes/No.*

Whether Reportable : *Yes/No*