

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

CM-2611-LPA-2023 in/and LPA-1023-2023 (O&M)

Date of decision : 05.10.2023

Buta Ram

.....Appellant

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Gurcharan Dass, Advocate,
for the appellant.

Mr. Arjun Sheoran, DAG, Punjab.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

CM-2611-LPA-2023

For the reasons set out in the application, duly supported by
an affidavit, delay of 16 days in filing the appeal is condoned.

Application is, accordingly, allowed.

LPA-1023-2023

1. This appeal has been filed by the appellant being aggrieved
by the order and judgment dated 21.04.2023 passed by the learned Single
Bench, dismissing the writ petition (CWP No. 8343 of 2023) filed by
him, seeking the following 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 19.11.2019 (Annexures P-10 & P-11).”

2 Learned Single Judge has observed that the appellant is claiming notional promotion as Sub Divisional Engineer with effect from 01.01.1989, which fact has also been stated in the prayer clause, quoted above.

3. Admittedly and evidently, for the first time, the appellant approached this Court by filing CWP No. 1874 of 2019, which was disposed of with a direction to the authorities to consider and take a decision on his representation dated 16.05.2018. Thereafter, the appellant submitted another representation dated 29.05.2019 and filed CWP No. 32010 of 2019, which was withdrawn by him on 05.11.2019 with liberty to pursue his aforesaid representation before the authorities, claiming retrospective promotion to the post of Sub Divisional Engineer. In such circumstances, learned Single Bench has dismissed the petition filed by the appellant on the ground of delay and laches of 24 years in approaching this Court, inasmuch as he is claiming benefit for being granted notional promotion to the post of Sub Divisional Engineer, with effect from 01.01.1989, which was denied to him at that point of time and

was never challenged by him. Quite apart from the above, in view of a decision of the Supreme Court rendered in C. Jacob Vs. Director of Geology and Mining and another, (2008) 10 Supreme Court Cases 115, no direction, at this stage, can be issued to the authorities to consider the representation of the appellant, as the said claim is a dead claim and cannot be revived after such a long time on account of in-action on the part of the appellant. There is no cogent or acceptable explanation for the delay on the part of the appellant. In such circumstances, we do not find any infirmity or illegality in the impugned order and judgment passed by the learned Single Judge.

4. Appeal is, accordingly, dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

October 05, 2023
ndj

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