

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2728 of 2016 (O&M)
Date of decision: 02.02.2023

Ritu Sehgal

..Petitioner

Versus

Punjab Vidhan Sabha Secretariat, Chandigarh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aman Arora, Advocate
for the petitioner.

Mr. R.K.Kapoor, Addl.A.G., Punjab

Mr. Sanjay Kaushal, Sr. Advocate, with
Ms. Shelly Arora, Advocate
for respondent no.2.

ANIL KSHETARPAL, J(Oral)

1. The petitioner prays for the issuance of a writ in the nature of certiorari to quash the order dated 15.12.2015, passed by the Secretary, Punjab Vidhan Sabha. In essence, the petitioner claims that on 26.07.2011, the respondent, erroneously, promoted one candidate from general cadre to Superintendent Grade-I. The petitioner's case is that as per rules, both the posts were required to be filled in from the cadre of senior translators however, one post has been filled from the general cadre in disregard of the fact that the seats reserved for the general cadre i.e 9 were already filled. She claims that respondent no.2 has been wrongly promoted on 26.07.2011.

2. It is admitted by the learned counsel representing the petitioner that the petitioner was promoted on the post of Superintendent Grade-I on 10.10.2012. This writ petition has been filed on 08.02.2016 i.e. after the

lapse of a period of four years. The petitioner claims that she had been making representations to the concerned authority followed by a notice during the period of 2011 to 2015 which resulted in the passing of the order of the competent authority dated 15.12.2015.

3. In fact, the writ petition suffers from unexplained delay and latches. If the petitioner was to file a civil suit to challenge the order dated 26.07.2011, the same was likely to be dismissed on account of being barred by time. No doubt, the Limitation Act, 1963, is not applicable to writ petitions, however, the writ jurisdiction is still guided by the doctrine of delay and latches. Thus, in the present case, there exists no ground to entertain a stale claim. It was still expected that the petitioner should have knocked the doors of the Court within a reasonable period of time.

4. In view of the aforesaid facts, this court does not find it appropriate to exercise the extraordinary writ jurisdiction.

5. Hence, dismissed.

6. All the pending miscellaneous applications, if any, are also disposed of.

February 02, 2023
nt

(ANIL KSHETARPAL)
JUDGE

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