

2023:PHHC:134866

CWP-19603-2023

Date of Decision: 17.10.2023

Maninder Kaur

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Sunny Singla, Advocate for the petitioner.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner challenges the promotions granted on the post of Master Cadre from JBT in the year 2015 and 2016, by preferring this writ petition in the year 2023.

2. No plausible explanation has come forward for waiting for almost seven years in not challenging the promotions granted to so-called junior persons of the petitioner.

3. Learned counsel for the petitioner submits that the petitioner had demanded her promotion but the department stated that the seniority list of the master cadre is under challenge before the High Court and, therefore, she did not approach this Court.

4. The seniority list relating to master cadre has no relevance with regard to the promotion from the lower post to that of master cadre. The respondents have already been working on the higher post for more than seven years now.

5. The Hon'ble Supreme Court in the case of **State of Uttar Pradesh and others vs. Rajmati Singh 2022 INSC 1261**, has held that in service matters the period of limitation is a relevant factor and things which have already been settled ought not be unsettled after a certain period of time. Relevant extract of the decision (supra) is reproduced as under:-

“18. In “Union of India and Ors. vs. Tarsem Singh” (2008) 8 SCC 652, this Court summarized the settled principles in the following manner: “7. To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought is sought by filing a writ petition) or limitation (where remedy is sought by an application to the Administrative Tribunal). One of the exceptions to the said rule is cases relating to a continuing wrong. Where a service related claim is based on a continuing wrong, relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. But there is an exception to the exception. If the grievance is in respect of any order or administrative decision which related to or affected several others also, and if the reopening of the issue would affect the settled rights of third parties, then the claim will not be entertained. For example, if the issue relates to payment or refixation of pay or pension, relief may be granted in spite of delay as it does not affect the rights of third parties. But if the claim involved issues relating to seniority or promotion, etc., affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied. Insofar as the consequential relief of recovery of arrears for a past period is concerned, the principles relating to

recurring/successive wrongs will apply. As a consequence, the High Courts will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition.”

- 6. In view thereof, this Court does not deem it appropriate to entertain this writ petition. The writ petition is accordingly dismissed.
- 7. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

17.10.2023.
rajesh

- 1. Whether speaking/reasoned? : Yes/No
- 2. Whether reportable? : Yes/No