

2026:PHHC:070138



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

208

CWP-11925-2017

Date of Decision: **08.04.2026**

Omkar Dutt Sharma

.....Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Raghubir Tejpal, Advocate for the petitioner.

Mr. Piyush Khanna, Addl. AG State.

Ms. Anupama Sharma, Advocate for respondents No.2 to 4.

HARPREET SINGH BRAR, J. (Oral)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari quashing the impugned order dated 19.05.2016 (Annexure P-9), and for a writ of *mandamus* directing the respondents to grant the petitioner a certificate of equivalence of Diploma + 10 years' experience to a Degree in Engineering, and consequently grant him deemed date promotion as

Assistant Engineer (AE) with effect from 1984, along with all consequential benefits including revision of pay, retiral dues, and arrears.

BRIEF FACTS

2. Briefly the facts are that the petitioner was appointed as an Assistant Foreman in the erstwhile Haryana State Electricity Board (HSEB) on 07.04.1973, possessing a Diploma in Electrical Engineering (1972). He was promoted to the post of Junior Engineer on 30.12.1982. The petitioner acquired a proper Degree in Electrical Engineering in the year 1994. He was ultimately promoted to the post of Assistant Engineer (AE) under the 12.5% degree quota with effect from 15.06.2004. The petitioner retired from service on 30.06.2010.

2.1 The petitioner's claim is that he should be treated as a Degree holder from the year 1984 itself, by virtue of Notification No. F-18-19/75/T-2 dated 26.05.1977 (herein after, 1977 notification), issued by the Government of India, Ministry of Education and Social Welfare. This notification allegedly provides that a Diploma in Engineering plus 10 years of technical experience shall be recognized as equivalent to a Degree in Engineering. The petitioner argues that since he completed 10 years of experience in 1984, he became eligible for promotion to AE from that date. He seeks a deemed date promotion to AE w.e.f. 1984, and all consequential benefits. The respondents rejected his request vide order dated 19.05.2016, inter alia, on the grounds of (i) inordinate delay and laches, (ii) that the 1977 notification has been declared fictitious by the Central Administrative Tribunal and is not applicable to the petitioner as he is not an ex-serviceman, and (iii) that the petitioner's eligibility for promotion to AE arose only in 1994 when he acquired a degree, and he was in fact promoted in 2004.

CONTENTIONS

3. Learned counsel for the petitioner *inter alia* contends that the 1977 notification, is a valid piece of general instruction, accepted by HSEB, and that this Court in **CWP No. 17974 of 2006** and other cases has already upheld such equivalence. The learned counsel, relying on the 1977 notification, which recognizes a Diploma in Engineering plus 10 years of technical experience as equivalent to a Degree in Engineering, submits that the petitioner became eligible for promotion to Assistant Engineer (AE) from the year 1984 itself. As such the petitioner is not seeking any new benefit but merely the enforcement of an existing right that crystallized in 1984. Further, On the question of delay, learned counsel submitted that the cause of action arose only on 19.05.2016 when the respondents finally rejected the petitioner's representation, and the writ petition filed in 2017 is well within limitation.

4. *Per contra*, learned counsel for the respondents submitted that the writ petition is liable to be dismissed on three primary grounds. Firstly, that the very foundation of the petitioner's claim, i.e., the alleged 1977 notification, has been held to be fictitious and non-existent. In this regard, reliance was placed upon the Division Bench judgment of this Court in **Ram Kumar v. HVPNL, LPA No.26 of 2018, decided on 17.01.2023**, wherein after examining the counter-affidavit of the Ministry of Human Resource Development, it was categorically held that "it is not possible to hold that the notification dated 26.05.1977 was in fact issued by the Union of India."

This finding has been subsequently affirmed by the Delhi High Court in *Union of India v. Central PWD Engineers Association, W.P.(C) 2671/2017*, decided on 25.11.2024, which after verification from the Directorate of Publications concluded that the notification is not traceable. Secondly, even if the notification were to exist, its applicability is strictly confined to defence personnel or ex-servicemen, as held in *Ram Kumar (supra)* and *Roshan Lal v. HVPNL, CWP-17590 of 2016*, decided on 16.03.2023, whereas the petitioner is a civil employee. Thirdly, the writ petition is hopelessly barred by delay and laches, as the petitioner retired on 30.06.2010 but filed the present petition in 2017 seeking deemed promotion w.e.f. 1984, i.e., after an unexplained delay of 33 years.

OBSERVATION & ANALYSIS

5. I have heard learned counsel for the parties and have carefully perused the record with their able assistance.

6. It transpires that the petitioner has approached this Court after an inordinate and unexplained delay. The grievance pertains to a claim for promotion allegedly due in the year 1984, i.e., approximately 26 years prior to his retirement and over 33 years prior to the institution of the present writ petition. Admittedly, the alleged cause of action dates back to 1984, the petitioner took no steps for nearly 26 years during his service tenure and sought to raise the dispute only in 2012, subsequent to his retirement in 2010 by submitting a representation.

7. The aforesaid conduct of the petitioner, in allowing the matter to rest for decades, is fatal to the maintainability of the present claim. No cogent or plausible explanation has been furnished for such prolonged inaction. Having acquiesced in the prevailing position throughout his service

tenure, the petitioner cannot now be permitted to resurrect a stale claim after retirement, particularly when entertaining such a claim would unsettle settled service positions and disturb accrued rights.

8. The reasonable timeframe for agitating grievances pertaining to promotion has been succinctly delineated by the Hon'ble Apex Court in *P.S. Sadasivaswamy v. State of Tamil Nadu 1974 INSC 198*, wherein it was observed as under:

“.....A person aggrieved by an order of promoting a junior over his head should approach the Court at least within six months or at the most a year of such promotion. It is not that 'here is any period of limitation for the Courts to exercise their powers under Article 226 nor is it that there can never be a case where the Courts cannot interfere in a matter after the passage of a certain length of time. But it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their extra-ordinary powers under Article 226 in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle settled matters. The petitioner's petition should, therefore have been dismissed in limine. Entertaining such petitions is a waste of time of the court. It clogs the work of the Court and impedes the work of the court in considering legitimate grievances as also its normal work. We consider that the High court was right in dismissing the appellant's petition as well as the appeal.”

9. As such, claims relating to promotion must be pursued with reasonable promptitude, ordinarily **within six months to one year** of the

date on which promotion got due or disputed, failing which such belated claims are liable to be rejected on the ground of delay and laches alone.

10. Reliance in this regard may also be placed upon the judgment rendered by a three-Judge Bench of the Hon'ble Supreme Court in ***B.S. Bajwa v. State of Punjab 1997 INSC 807***, wherein it was observed that the issues relating to seniority ought not to be reopened after the lapse of a reasonable period, as doing so would disturb settled positions, which is impermissible in law. The Hon'ble Apex Court further held that where there is inordinate delay in raising such a grievance, the same by itself constitutes sufficient ground to decline interference under Article 226 of the Constitution of India and to reject the writ petition.

CONCLUSION

11. Admittedly the present petition was not filed within the stipulated time frame, rather the petitioner has approached this Court after a considerable lapse of time.

12. In view of the discussion above, this Court does not find it appropriate to invoke its extraordinary writ jurisdiction under Article 226 of the Constitution of India. Accordingly, the present petition stands dismissed.

13. Pending application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

08.04.2026

Puneet Chawla

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No