HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

D.B. Civil Writ Petition No. 21534/2025
CNR: RJHC010929712025 | URN: CW / 38418U / 2025

Ramesh Kumar Gangwani S/o Deep Chand Ji, Aged About 67 Years, R/o 118, Suraj Nagar, Chopasani Housing Board, Jodhpur.

----Petitioner

Versus

1. Union Of India, Through Controller And Auditor General Of India, 9 Deendayal Upadhaya Marg, New Delhi 110124
2. Principal Director Of Audit North Western Railway, Jaipur.
3. Senior Administrative Officer (Appt III), C/o Controller And Auditor General Of India, 9 Deendayal Upadhaya Marg, New Delhi 110124.

----Respondents

For Petitioner(s)	:	Mr. Jugal Kishore Chanda
For Respondent(s)	:	Mr. Nimesh Suthar

HON'BLE MR. JUSTICE MUNNURI LAXMAN
HON'BLE MRS. JUSTICE SANGEETA SHARMA

Order

05/08/2026

1. Heard both sides.

2. The present writ petition has been filed against the order dated 02.07.2025 passed by the Central Administrative Tribunal wherein the claim for notional promotion along with consequential benefits of the petitioner was rejected.

3. The case of the petitioner is that he was senior in the cadre of Assistant Audit Officer. A Departmental Promotion Committee (DPC) was convened for the promotion to the post of Audit Officer in the year 2007. Though the petitioner was placed at serial No. 1 in the seniority list, his case was ignored and he was

not considered by the DPC, whereas his juniors were called and promoted to the post of Auditor. Subsequently, the petitioner continuously submitted representations to the competent authorities pointing out the illegality done in the promotion to the post of Audit Officer. The petitioner took voluntarily retirement in the year 2016. Representations of the petitioner was decided in the year 2018, whereby his claim for promotion was rejected. Aggrieved by the same, the petitioner preferred OA No. 145/2019 before the Tribunal.

4. The Tribunal, considering the background of the case, held that no immediate action was taken by the petitioner to challenge the promotion which took place in 2007 and there was a delay, resultantly, the same was dismissed.

5. Learned counsel appearing for the petitioner submits that the Tribunal has erred by dismissing the original application on the ground of delay instead it should have decided the application on merits. He also submits that though the petitioner had been making representations to the respondent-authorities, the authorities kept his representations in cold storage. It is also submitted that ultimately the decision was rendered only in 2018 by rejecting his claim. Therefore, there was no delay on the part of the petitioner, in approaching the Tribunal. It is thus, submitted that the petitioner is entitled to notional promotion and consequential benefits.

6. Per contra, learned counsel appearing for the respondents submits that the petitioner, by his own conduct, allowed his juniors to be promoted and he did not challenge the non consideration of his case by the DPC which was held in 2007. It is

further submitted that there is a delay of more than 12 years in approaching the Tribunal. Meanwhile, if he was genuinely entitled before the juniors he could have approached the Tribunal within a reasonable time at the earliest. The petition thus, suffers from the laches.

7. Having considered the rival contentions of both parties this Court finds that even if the petitioner was entitled to be considered for the promotion to the post of Auditor and his candidature was ignored by the DPC, he should have approached the appropriate forum at the earliest so that the forum have intervened and prevented the alleged injustice of promoting the juniors ignoring the candidature of the petitioner but this was not the case. He was consciously allowed the juniors to continue on the promotional post without challenging the same before appropriate forum. There is an inordinate delay in approaching the Court and the Tribunal. Therefore, the Tribunal was right in dismissing the OA No. 145/2019 on the ground of delay. Consequently, the writ petition, being devoid of merit, deserve to be dismissed.

8. In the result, the present writ petition is ***dismissed***.

9. Pending application(s), if any, stand disposed of.

(SANGEETA SHARMA),J **(MUNNURI LAXMAN),J**

5/Simran