
(2020) 07 SHI CK 0440
In the High Court Of Himachal Pradesh
Case No : CWPOA No. 729 Of 2019

Anjala Kumari

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 01-07-2020

Acts Referred:

Citation : (2020) 07 SHI CK 0440

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Ajay Sharma, Amit Jamwal, Sudhir Bhatnagar

Final Decision : Dismissed

Judgement

Sandeep Sharma, J

1. Petitioner, Ms. Anjala Kumari, who now stands superannuated, had approached the Erstwhile H.P. Administrative Tribunal in the year, 2006 by way of Original Application No.1233 of 2006, praying therein following reliefs:-

- i) That impugned act of respondents as contained in Annexure A-2 qua applicant and respondents No.4 and 5 may very kindly be quashed and set aside with directions to the respondents to draw the fresh seniority list vis-a-vis applicant and respondents No.4 and 5 and circulate the same as contained in Annexure A-1;
- ii) That DPC proceedings now held on the basis of wrong seniority list may be quashed and set aside and directions may be issued to conduct fresh proceedings after the correction of seniority list in the interest of law and justice;
- iii) That directions may be issued to the respondents to get the DPC conducted from the H.P. Public Service Commission in view of the R& P Rules Annexure A-4 and by further clarifying the position to the Public Service Commission that the promotion is from the post of class-II to the Gazetted Class-I;

iv) That respondents may very kindly be directed to give the seniority to the applicant from the year, 1985 in view of the principle of merger of the department in the interest of law and justice."

2. Having heard learned counsel representing the parties and perused the material available on record, this Court is of the view that at present instant petition has been rendered infructuous with the efflux of time. Though, Mr. Ajay Sharma, learned Senior Counsel representing the petitioner while making this Court to peruse the relief clause, made a serious attempt to persuade this Court to agree with his contention that grievance of the petitioner has not been still redressed and as such, present petition is required to be heard and decided on merits, however, this Court having taken note of the fact that the seniority list, sought to be quashed in the instant proceedings, was circulated/finalized on 31.12.2003, but challenge qua the same was laid after inordinate delay of three years coupled with the fact that the petitioner, who is seeking promotion to the higher post after redrawing of seniority list, if any, stands superannuated, is not in agreement with the aforesaid submission of learned Senior counsel representing the petitioner. Intervention, if any, of the Court at this stage would not only unsettle the already settled seniority, rather it would further lead to multiplicity of the litigation.

3. Reply filed by the respondents, which has been not further refuted by way of rejoinder, clearly reveals that factum with regard to circulation of seniority list as contained in Annexure A-2 in the year, 2003 was very much in the knowledge of the petitioner, who instead of availing any statutory remedy as available under service law chose to keep mum for three years and thereafter directly approached this Court, that too without offering any plausible explanation qua the inordinate delay in laying challenge to the seniority list.

4. Leaving everything aside, this Court finds from the record that at the time of filing petition, age of the petitioner was 47 years (in the year, 2006), meaning thereby she now stands superannuated (in the year, 2017) and as such, secondary relief of promotion, if any, that too after redrawing of seniority list, cannot be extended to the petitioner at this stage.

5. Consequently, in view of the above, the present petition is dismissed being devoid of merit. Pending applications, if any, also stands disposed of.