
(2016) 02 P&H CK 0038
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 2625 of 2016

Mahender Singh Malik

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 10-02-2016

Acts Referred:

Constitution of India, 1950 — Article 14, 226

Citation : (2016) 3 RSJ 557 : (2016) 2 SCT 40 : (2016) 5 SLR 66

Hon'ble Judges : Deepak Sibal, J.

Bench : Single Bench

Final Decision : Disposed Off

Judgement

Deepak Sibal, J. - Through the present petition, the petitioner seeks promotion from the date when his juniors have been promoted, with all consequential benefits.

2. After hearing counsel for the petitioner and perusing the record of the case, the facts that have emerged are that the petitioner was appointed as a Clerk on 18.12.1971 and on 01.07.1977, was promoted as Sub Divisional Clerk. Thereafter, on 27.11.1997, he was promoted as Accounts Clerk and further as a Deputy Superintendent on 19.09.2008. On 28.02.2010, the petitioner retired from service.

3. The present petition has been filed seeking promotion to the post of Accounts Clerk w.e.f. 07.09.1979 instead of 27.11.1997 and consequently, as a Deputy Superintendent w.e.f. 24.11.1995 instead of 19.09.2008.

4. The present petition is grossly belated as the claim for promotion as Accounts Clerk w.e.f. 07.09.1979 should have been made by him at the time when he was ignored on 07.09.1979 or at the most, on 27.11.1997, when he was actually promoted as Accounts Clerk.

5. To offer an explanation for the delay, learned counsel for the petitioner drew

my attention to certain promotion orders passed by the respondents between the years 2010 and 2014. It was submitted that on the passing of these orders, the cause of action accrued in favour of the petitioner. Though these orders are recent, but a deeper scrutiny shows that these orders have been passed while implementing orders of this Court in writ petitions filed way back in the year 2005 by employees, who were vigilant about their rights. Thus, these orders cannot condone the delay on the part of the petitioner. The promotion orders pertained to the employees, who had sought promotion from the date, when their juniors had been promoted, but those employees had approached the Court well in time, in fact 11 years ago. On the contrary, the petitioner slept over his rights and woke up only when orders were passed in their cases, firstly by this Court and then while implementing the orders of this Court by the respondent Authorities. The petitioner cannot be allowed to ride piggyback on other employees, who were vigilant about their rights and had approached this Court well within time for the vindication of their grievances.

6. In view of the aforesaid facts, the present petition is grossly belated and on that score alone, deserves to be dismissed, especially when the petitioner has also retired from service nearly six years ago.

7. Ordered accordingly.

8. No costs.