
(2007) 05 DEL CK 0240

In the Delhi High Court

Case No : Writ Petition Civil (Main) No. 3974 of 2007

Om Prakash

APPELLANT

Vs

State Trading Corporation of India Ltd.

RESPONDENT

Date of Decision : 25-05-2007

Acts Referred:

Citation : (2007) 97 DRJ 485

Hon'ble Judges : Hima Kohli, J

Bench : Single Bench

Advocate : Manoj Prasad, for the Appellant; Rajesh Banati, for the Respondent

Final Decision : Dismissed

Judgement

Hima Kohli, J.—The petitioner has filed the present writ petition praying inter alia for directions to the respondents to treat the petitioner as General Manager w.e.f. 1.1.1996, the purported date when the petitioner was entitled to be promoted, or from 17.9.1997 when vacancies arose but the petitioner was not considered and the petitioner claims that he ought to be promoted as General Manager from the date from which his juniors were promoted by the respondents.

2. Admittedly, the petitioner retired on 28th February, 2007 and decided to initiate the present writ proceedings after a long period of over of 10 years had elapsed from the date from which he claims entitled to be promoted as General Manager. It is a settled position of law especially with regard to service jurisprudence that state claims should not be entertained by the courts, particularly in matters relating to promotions and seniority since any inference by the courts in such matters after considerable delay would only amount to disrupting the vested rights regarding the seniority, rank and promotions which accrue to other employees. In this connection, reliance can be placed on the following judgments:

(i) R.S. Makashi and Others Vs. I.M. Menon and Others,

(ii) K.R. Mudgal and Others Vs. R.P. Singh and Others,

(iii) C.B.S.E. Vs. B.R. Uppal and Others,

3. Though counsel for the petitioner, in the course of arguments states that the entitlement of the petitioner for promotion arose even in the year 2001, however, it is his own case that two of the officers, namely, Mr. A.K. Majumdar and Mr. I.R. Vohra were promoted in the year 1997, which shows that the cause of action accrued in favour of the petitioner way back in 1997 itself. Also, the petitioner has failed to make out sufficient grounds for condonation of delay. Merely invoking the R.T.I. Act to gather information from the respondent No. 1 on various aspects of his service and delay in furnishing the said information to him is no ground to condone such a gross delay. Therefore, this Court is not inclined to exercise its powers of judicial review to entertain the present claim of the petitioner which is hopelessly barred by delay and laches. Such a belated writ petition cannot, therefore, be permitted to be entertained. The same on the face of it fails and is, therefore, rejected.