
(2014) 05 P&H CK 0592

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 7653 of 2014 (O & M)

Rekha Rani

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 21-05-2014

Acts Referred:

Citation : (2014) 05 P&H CK 0592

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Advocate : Jitender Malik, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Augustine George Masih, J.

Civil Misc. No. 5653 of 2014

1. Exemption granted from filing certified copy of Annexure P-2 and the same is taken on record.

2. CM stands disposed of.

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3. Petitioner has approached this Court impugning the order dated 17.10.2013 (Annexure P-3), vide which although she has been granted the deemed date of promotion as 27.12.2001, i.e., the date when her junior was promoted to the post of Science Mistress, but no arrears have been paid to her.

4. Counsel for the petitioner contends that the petitioner was promoted to the post of Science Mistress on 17.01.2004. Thereafter the petitioner was representing the respondents and ultimately was forced to file Civil Writ Petition No. 25907 of 2012, which was disposed of by this Court vide order dated 21.12.2012 (Annexure P-2) by granting the petitioner liberty to file a fresh representation detailing therein the claim which the petitioner would make. On

the basis of the said representation submitted by the petitioner, the impugned order has been passed granting her the benefit of promotion from the deemed date of 27.12.2001 when her junior was promoted but without any arrears. Only notional pay fixation and seniority has been granted to her. This action of the respondents is not sustainable and deserves to be set-aside and petitioner be held entitled to the grant of arrears.

5. This contention of the counsel for the petitioner cannot be accepted in the light of the fact that the cause of action to the petitioner arose in the year 2004 when she was promoted to the post of Science Mistress vide order dated 17.01.2004. She should have, after waiting for a reasonable time, approached this Court for claiming the promotion from the date her junior was promoted. Instead, she preferred filing representation to the respondents and slept over the matter till the year 2012 when she filed CWP No. 25907 of 2012, which was disposed of by this Court vide order dated 21.12.2012. In pursuance to the said order, the petitioner has been granted the substantial relief of promotion from the date her junior was promoted with notional fixation of her pay and seniority. The denial of arrears to the petitioner for the period 27.12.2001 to 17.01.2004 is fully justified because of the delay on the part of the petitioner in agitating her claim. Had the petitioner been vigilant enough, she should have approached this Court after waiting for a reasonable time to claim the benefit of promotion from the date her junior was promoted. The Hon"ble Supreme Court in the case of S.S. Rathore Vs. State of Madhya Pradesh, has held that the claims which are stale cannot be raked up and the claimant who sleeps over his/her right cannot, at any time, claim the benefit. Here in the present case, although the substantial relief has been granted, but only arrears have been denied to her which appears to be justified and, therefore, calls for no interference by this Court.

6. The writ petition stands dismissed.