

(2018) 08 CHH CK 0256
In the Chhattisgarh High Court
Case No : Writ Appeal No. 637 Of 2018

Sadananda Udyawar

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 23-08-2018

Acts Referred:

Citation : (2018) 08 CHH CK 0256

Hon'ble Judges : Ajay Kumar Tripathi, CJ; Parth Prateem Sahu, J

Bench : Division Bench

Advocate : Dr. N. K. Shukla, Ajay Lakra, B. Gopa Kumar

Final Decision : Dismissed

Judgement

Ajay Kumar Tripathi, CJ

1. Heard learned senior counsel for the appellant and learned Assistant Solicitor General for the Union of India.

2. The writ appeal has been preferred against the order of the learned Single Judge dated 14.05.2018 who refused to pass any order in favour of the

appellant giving a direction to give him promotion on the post of Assistant Commandant w.e.f. 1989 or the post of Deputy Commandant w.e.f. 1995

and as Commandant w.e.f. 10.10.2002 and Senior Commandant w.e.f. December, 2005, when admittedly juniors were granted promotion at the very

threshold on the post of Assistant Commandant.

3. The learned Single Judge took a view that a 20 years old issue of non-grant of promotion which was never a subject matter of challenge initially can

be allowed to be agitated, especially when many other promotions to senior posts also accrued in favour of the so-called juniors from time to time and

at no point, the appellant approached a Court of law pleading any kind of

discrimination.

4. Since repeated representations are not an answer for such laches and delay, dismissal of the writ application in a stale matter which is more than

two decades old cannot be said to be an erroneous view to take. More so settled position cannot be unsettled at the convenience of a litigant.

5. Appeal has no merit. It is dismissed.