



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION No. 3937 OF 2021 (S-CAT)

BETWEEN:

1. D. K. GHIWARI,
S/O (LATE) K. S. GHIWARI,
AGED ABOUT 79 YEARS,
RETIRED POULTRY ASSISTANT,
CENTRAL POULTRY BREEDING FARM,
HESSARAGHATTA,
BANGALORE-560 090,
RESIDENT OF No.809, ASHIRWAD,
1ST FLOOR, 11TH C MAIN,
AGB LAYOUT, 3RD STAGE,
HESSARAGHATTA MAIN ROAD,
BANGALORE-560 090.

...PETITIONER

(BY SRI VEERENDRA SHARMA R., ADVOCATE)

AND:

1. THE UNION OF INDIA,
REP. BY ITS SECRETARY,
MINISTRY OF AGRICULTURE,
DEPARTMENT OF ANIMAL HUSBANDRY,
DAIRYING AND FISHERIES,
KRISHI BHAVAN,
NEW DELHI-110 001.





2. THE DIRECTOR,
CENTRAL POULTRY DEVELOPMENT
ORGANISATION,
HESSARAGHATTA,
BANGALORE-560 090.

...RESPONDENTS

(BY SMT. SWAMINI GANESH MOHANAMBAL, CGC FOR R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 20.4.2015 IN OA No.540/2013 PASSED BY HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, BENGALURU BENCH WHICH IS ANNEXED AT ANNEXURE-A TO THIS PETITION ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The petitioner, a retired Poultry Assistant of Central Poultry Breeding Farm, is before this Court aggrieved by order dated 20.04.2015 in O.A. No.540/2013 passed by the Central Administrative Tribunal, Bangalore (for short 'the Tribunal'), whereunder, the petitioner's request for retrospective promotion by quashing O.M. dated 14.02.2006 (Annexure-A7), is rejected.



2. Heard learned counsel Sri. Veerendra Sharma, for the petitioner and learned CGC Smt. Swamini Ganesh Mohanambal for learned DSGI Sri. H. Shanthibushan, for respondent Nos.1 and 2. Perused the entire writ petition papers.

3. It is seen that the petitioner retired from service on attaining the age of superannuation in April 1998. Subsequently, on 17.12.2005, the petitioner is said to have made a representation seeking promotion retrospectively. The said representation was rejected on 14.02.2006 against which, the petitioner approached the Tribunal in O.A. No.122/2006, which came to be dismissed on 16.06.2006. Thereafter, the petitioner is said to have submitted representations and memorials to the respondent authorities including the Hon'ble President's Secretariate. On 11.02.2013, the petitioner filed O.A. No.540/2013, which was rejected by impugned order dated 20.04.2015, which reads as follows:

"Heard. Shri Veerabhadra produces a copy of the proceedings of D.P.C. dated 14.07.1976 by which the applicant is mentioned in paragraph 3 when it was felt that applicant will not come up to the technical qualification which is required and therefore the D.P.C.



suggested that it may be necessary to have a directly recruited better qualified person. Apparently, this was not challenged at that point of time. Therefore when the applicant challenged earlier he was given in-situ promotion which is equivalent to the rank and benefits he was apparently seeking. Thereafter he had challenged Annexure-A7 dated 14.02.2006. Unfortunately to him at that point of time the Bench was not willing to consider the matter for delay involved and therefore it was dismissed as withdrawn. After obtaining some more information, the applicant feels that he should be in a position to challenge it once again. We are unable to agree. The Hon'ble Apex Court had held that the Doctrine of sit back will be applicable and the right which has become concretized for decades together cannot be examined even if there is merit on the part of the concerned person. Therefore, OA has no merit. OA is dismissed. No order as to costs."

4. A reading of the above would indicate that when the petitioner approached the Tribunal challenging the endorsement dated 14.02.2006, the same was dismissed as withdrawn. Subsequently, on the same prayer, the petitioner had approached the Tribunal. The Tribunal dismissed the application.

5. We do not find any error in the order passed by the Tribunal. The petitioner slept over his right and only started agitating his right subsequent to his retirement. Moreover, the impugned order was passed by the Tribunal in 2015 whereas, the petitioner is before this Court by filing the above writ



petition on 06.02.2020 after nearly five years. The petitioner is not diligent and as such, the petitioner would not be entitled for any relief.

6. Moreover, the order of the Tribunal would indicate that he was given one promotion, which was equivalent to the rank and benefits he was seeking in the O.A. We do not find any merit in the writ petition. Accordingly, writ petition stands rejected.

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(K. V. ARAVIND)
JUDGE**