

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			WPSB No.493 of 2023 <u>Hon'ble Manoj Kumar Tiwari, J.</u> <u>Hon'ble Pankaj Purohit, J.</u> Mr. M.C. Pant, learned counsel for the petitioner. 2. Mr. Yogesh Pandey, learned Deputy Advocate General for the State. 3. Petitioner is a disabled person who was appointed as Economics and Statistical Inspector/Assistant Development Officer against a vacancy reserved for 'persons with disability' on 21.12.1999. Petitioner was thereafter promoted to the post of Economics and Statistical Officer vide order dated 05.08.2019 against a vacancy reserved for persons with benchmark disability. 4. Petitioner made representation to Secretary, Planning Department, claiming notional promotion from 01.07.2013, when he became eligible for promotion to the post of Economics and Statistical Officer. The representation was rejected by Secretary concerned on the ground that reservation in promotion for persons with disability to Group-A and Group-B posts was provided for the first time vide Government Order dated 14.06.2018 and the said post was identified to be filled by persons with 'both legs affected' only on 18.03.2019. Since petitioner falls under BL (both legs affected) category, therefore, post became available for him only on 18.03.2019 and he could not be considered for promotion earlier. It was further held that no vested right of promotion is available to a Government servant and promotion depends upon various factors, including

		completion of qualifying service and availability of vacancy, identification of post etc.
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		5. Learned counsel for the petitioner relies upon Government Order dated 09.05.2023 in support of his contention that since earlier Government Order issued on 10.11.2010 was amended by Government Order issued in 2023, therefore, provision for promotion of persons with disabilities to Group-A and Group-B posts has to be treated as retrospectively applicable from 2010. Thus, according to him, petitioner is entitled to promotion from the date he became eligible for promotion to the post of Economics and Statistical Officer.
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		6. Per contra, learned State Counsel submits that provision for reservation in Group-A and Group-B posts for persons with disabilities was made for the first time vide Government Order dated 14.06.2018, and prior thereto there was no Government Order permitting promotion to Group-A and Group-B posts. Petitioner was considered for promotion soon after provision for such promotion was made, as such, grievance raised by petitioner is unfounded, and whatever was due to the petitioner was granted without any delay. He also relies upon Government Order dated 09.05.2023, wherein it was provided that amendment made in Government Order dated 10.11.2010 shall come into force with immediate effect.
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		7. Learned counsel for the petitioner submits that in Public Works Department, a similarly situate person was promoted to a Group-B post against vacancy reserved for persons with disabilities, with effect from 2013, therefore,
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petitioner is also entitled to the similar benefit.

8. For claiming notional promotion, petitioner has to establish that he had a right of promotion from the date he claims such promotion. There is no vested right of promotion available to a government servant, from the date he becomes eligible. Merely because some person in other department was given notional promotion in violation of Government Orders, cannot be a ground for granting retrospective promotion to petitioner. Thus, we do not find any reason to interfere with the impugned order dated 22.07.2023, whereby petitioner's representation was rejected. However, we permit petitioner to highlight his grievance, if any, by making a representation before the Secretary concerned, and if he makes such representation, the same shall be dealt with in accordance with law within eight weeks from the date of presentation of such representation.

9. Writ petition stands disposed of accordingly.

(Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.)

11.06.2026

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