

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Civil Writ Petition No. 22289 of 2012 (O&M)
Date of Decision: 14.07.2016**

Surinder Mohan Dhir and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Ms. Alka Chatrath, Advocate
for the petitioners.

Mr. Harkesh Manuja, Additional Advocate General, Punjab
for the respondents.

JASWANT SINGH, J. (ORAL)

Nine petitioners, who retired from the service of Education Department, Govt. of Punjab, in the rank of either Science Masters or Science Mistresses or Music Teachers etc., have laid a challenge under Article 226 of the Constitution to the order dated 04.10.2011 (**Annexure P-2**) whereby promotion of 821 Masters/Mistresses in various disciplines (some juniors in seniority) were made to the next higher post of Head Masters/Head Mistresses.

It is claimed that although the petitioners had retired in the month of August or September 2011, however, in the light of the respondent-Department having not effected promotions for a period of almost seven years, they are entitled to be promoted at least from the date the proceedings of the Departmental Promotion Committees were conducted i.e. on 11.08.2011/12.08.2011.

Upon notice, a reply has been filed by the State, wherein it is conceded that on the day, the proceedings of the Departmental Promotion Committee were conducted i.e. on 11.08.2011/12.08.2011, all the petitioners were in service, however, by the date of promotion vide order dated 04.10.2011 **(P-2)**, all nine petitioners stood retired. It is, thus, submitted that mere recommendations of the Departmental Promotion Committee do not confer any right upon an employee to claim promotion on the date of passing of the order, if he is no longer in service.

After hearing learned counsel for the parties, keeping in view the facts of the present case, no relief under Article 226 of the Constitution can be granted to the petitioners, as on the date of passing of the promotion order, concededly all the petitioner stood retired from the service. It appears that some disadvantage had occurred to the petitioners on account of non-filling up the posts of Head Masters and Head Mistresses for a long time, however, it is well settled that for every possible injury, jurisdiction under Article 226 is not the proper forum.

In view of above, no ground for interference by this Court is made out.

Accordingly, the present petition stands dismissed.

July 14, 2016

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(JASWANT SINGH)
JUDGE