

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

**Civil Writ Petition No. 23486 of 2012 (O&M)
Date of Decision: 14.07.2016**

Jagroop Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

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

JASWANT SINGH, J. (ORAL)

Petitioner-Jagroop Singh retired on attaining the age of superannuation w.e.f. 30.09.2011 from the rank of Science Master with the Education Department School, Govt. of Punjab.

The challenge under Article 226 of the Constitution is laid to the order dated 04.10.2011 (**Annexure P-1**) whereby the junior Masters/Mistresses were promoted as Head Masters and Head Mistresses.

It is claimed that although the petitioner had retired in the month of September 2011, however, in the light of the respondent-Department having not effected promotions for a period of almost seven years, he is 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, the petitioner was in service, however, by the date of promotion vide order dated 04.10.2011 **(P-1)**, the petitioner 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 petitioner, as on the date of passing of the promotion order, concededly the petitioner stood retired from the service. It appears that some disadvantage had occurred to the petitioner 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