

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

CWP No.7156 of 2015

Date of decision: 24.5.2016

Jarnail Singh

... Petitioner

Versus

State of Punjab & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sanjeev Sharma, Advocate,
for the petitioner.

Mr. Nikhil K. Chopra, Addl. A.G., Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioner's fate is inextricably bound by the affirmative clearance of the enquiry case of Savita Rani, who was facing departmental proceedings and was exonerated of the charges when the charges levelled against her failed to bring home guilt. She was senior to the petitioner in service in the cadre of Senior Assistants and had been ignored for promotion because of pending departmental proceedings. The Principal Secretary to Government in the Department of Industries & Commerce, Punjab, passed an order on June 28, 2013 promoting Savita Rani as Superintendent Grade-II. The natural consequence of this promotion was the inevitable reversion of the petitioner from the post of Superintendent Grade II back to Senior Assistant being admittedly junior to Savita Rani. Merely because the order passed by the Principal Secretary to Government in the Department of Industries & Commerce, Punjab, was endorsed on July 30, 2013 after the last date of demitting

office by the petitioner on superannuation but the order was issued as in the receipt book on August 1, 2013 would confer no rights on the petitioner to claim that he stood retired from the post of Superintendent Grade-II and accordingly had a right to the pay scale admissible for the post he held in absence of Savita Rani and dependent on the outcome of disciplinary proceedings. His rights remain subservient to the rights of Savita Rani. The petitioner lost his right to the promoted post on June 28, 2013 when his senior Savita Rani was promoted by order and all actions thereafter would relate back to that date and give no fundamental right to the petitioner to have retired on the higher post with right to pension in the higher pay scale. If the hopes of the petitioner are dashed, he has nothing to complain of. He has no legally enforceable right to hold the post of Superintendent Grade II w.e.f. June 28, 2013 when Savita Rani was promoted. He would be deemed to have retired from the post of Senior Assistant as per his seniority. Otherwise the cadre of Superintendents Grade II would stand increased without legal justification which is impermissible. The petitioner never earned substantive promotion to the higher rank on the strength of his seniority in the feeder cadre.

2. For the foregoing reasons, I find no merit in the petition and the same fails and is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

24.5.2016
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