

1. CWP No.9781 of 2013 (O&M)
Date of decision : August 02, 2016

Versus

2. **CWP No.8627 of 2016 (O&M)**
Date of decision : August 02, 2016

Versus

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Mr. R.S. Pathania, DAG, Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

This order of mine shall dispose of two writ petitions bearing CWP No.9781 of 2013 and 8627 of 2016, involving the same subject matter.

The short controversy in the present petition is that the petitioner Darshan Singh, who was working as Social Studies Master in the Govt. school retired on 31.01.2012 and petitioner Promila Sharma, who was working as Hindi Mistress in the Govt. school, retired on 30.04.2012. It is claimed that the Departmental Promotion Committee held its meeting on 13.12.2011 to 15.12.2011 and promoted both the petitioners as Lecturers.

However, after the superannuation of the petitioners, the Department passed the promotion order on 18.05.2012, whereby the petitioners were promoted as Lecturers. Now, the petitioners claim that they should be granted the benefits of deemed promotion after their retirement.

I have heard learned counsel for the parties and have also carefully gone through the case file.

It comes out that the department DPC is merely to recommend the names for promotion and it is for the concerned authority to accept the recommendation or not. It is clear that formal promotion order was passed on 18.05.2012 when the petitioner had already been retired. Apparently, the authority failed to notice the fact that after holding the DPC meeting, the promotion order was passed when the petitioner had already been retired from the service. It is merely a clerical error. Therefore, the promotion order of the petitioners was wrongly passed. Admittedly a retired person cannot be promoted unless it is specifically mentioned that the promotion is with the retrospective effect or is deemed promotion. The promotion order was passed on 18.05.2012 and at that time the petitioners were not in service as they already stood retired prior to that. Since the petitioners retired from service before passing of the promotion order, therefore, they cannot be granted the promotion as well as the consequential benefits.

As such, both the petitions are dismissed.

(KULDIP SINGH)
JUDGE

August 02, 2016

sarita

Whether speaking / reasoned Yes

Whether Reportable: Yes