

Civil Writ Petition No.12719 of 2017

[1]

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

Sr. No.118

**Civil Writ Petition No.12719 of 2017
Date of Decision: August 02, 2017**

JIWAN KISHORE

...PETITIONER

Versus

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jagdish Mitter, Advocate,
for the petitioner.

JASPAL SINGH, J.

Through the instant civil writ petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ, order or direction especially in the nature of certiorari for quashing the instructions dated October 30, 2015 (Annexure P-7) as well as order dated December 10, 2015 (Annexure P-6) on the grounds that it is violative of the Government instructions dated May 29, 1992 and further that respondents

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did not hold a meeting of Departmental Promotion Committee in time for the post of Superintendent Grade-I which fell vacant w.e.f. May 01, 2015 as well as to consider the claim of the petitioner for pensionary benefits in the pay scale of Rs.15,600-39100+5400 grade pay as Superintendent Grade-I from the date his juniors have been promoted w.e.f. December 10, 2015 (Annexure P-6) which has not been granted to him earlier.

2. Learned counsel for the petitioner has submitted that petitioner has been working as a Superintendent Grade-II in the office of respondent No.3 and his seniors stood retired on attaining the age of superannuation and post of Superintendent Grade-I became vacant w.e.f. May 01, 2015. Petitioner has sought the direction to respondent to hold a meeting of Departmental Promotion Committee for considering his claim of promotion for the post of Superintendent Grade-I on the ground that non holding of the meeting of Departmental Promotion Committee prior to his retirement is wrong, arbitrary and after his retirement, juniors have been promoted. But this Court does not find any legal and factual substance in the aforesaid submissions made by learned counsel for the petitioner.

3. Through the present petition, petitioner has challenged inaction on the part of department in not holding the meeting of Departmental Promotion Committee immediately after the post of Superintendent Grade-I fell vacant. Petitioner retired from service as Superintendent Grade-II on November 30, 2015. The mere fact that Departmental Promotion Committee was neither constituted nor held any meeting does not ipso facto mean that petitioner is entitled to the promotion as Superintendent Grade-I just because after his retirement, his juniors have been promoted on the said

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post. Moreover, no such direction can be issued to respondents to consider the case of the petitioner after his retirement.

4. Finding no justification in the instant petition. As such, same stands dismissed.

August 02, 2017
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No