

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

CWP No. 7588 of 2012 (O&M)

Date of Decision: 21.04.2017

Amarjeet Lal

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Bhupinder Ghai, Advocate
for the petitioner.

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

JASWANT SINGH, J. (ORAL)

Petitioner-Amarjeet Lal was appointed as Master in Mathematics on regular basis w.e.f. 01.10.1980 with the Education Department (Secondary Education), Punjab. He was promoted as Lecturer in Mathematics vide order dated 06.11.1991 (**Annexure P-2**), however, he did not avail the benefit of that order. Thereafter, he joined as Lecturer in Mathematics on 03.09.1997 pursuant to the promotional order dated 14.08.1997. He retired on attaining the age of superannuation w.e.f. 30.06.2012 in the said rank. At around age of retirement, the petitioner filed the present writ petition seeking retrospective promotion as Lecturer w.e.f. 06.11.1991 pursuant to order at **Annexure P-2** i.e. the date when he was earlier promoted, with all consequential benefits.

Learned counsel for the petitioner submits that the petitioner could not avail the benefit of promotion as Lecturer w.e.f. November 1991

as the Principal of his school had refused to relieve him and, therefore, on that account, promotion with retrospective effect should not be denied to the petitioner. By referring to letter dated 29.06.2004 (**Annexure P-6**), it is contended that the petitioner had been agitating regarding his non-relieving by the Principal pursuant to the order dated 06.11.1991 (**P-2**), however, no action was taken.

Learned State Counsel has argued that in the promotion order dated 06.11.1991 (**P-2**), there was a specific direction that certain formalities were to be completed by the Masters before submitting their joining reports. The petitioner, who belong to District Patiala, and vide the said promotion order dated 06.11.1991 (**P-2**) was posted 100 kms. away, and did not wish to move out from Patiala, had not fulfilled those conditions, therefore, by virtue of Clause 7 & 9 of the said order dated 06.11.1991 (**P-2**), was debarred from even claiming promotion till the year 1994 on his own turn, having not joined within twenty-one (21) days of the order.

After hearing learned counsel for the parties, the factual contentions addressed by the State Counsel are specifically enumerated in the written statement filed by way of affidavit dated 17.01.2014 of the District Education Officer, Patiala to which no rebuttal by filing any replication has been undertaken. It is not believable that the petitioner would have forgone his promotion as Lecturer merely on the ground that the Principal concerned was not relieving him, as concededly no complaint ever was filed against the Principal for non-relieving the petitioner. The plea,

thus, is completely an afterthought and fabricated. That apart, the claim for retrospective promotion has been made after twenty-one (21) years of the passing of the order dated 06.11.1991 (P-2). Therefore, the claim is hopelessly barred by law of limitation.

In view of above, no ground for interference is made out. Hence, present petition is dismissed with costs of Rs. 10,000/-, to be deposited by the petitioner with the District Legal Aid Authority, Patiala, within two months from today, failing which, the Government shall recover the same from his pension.

April 21, 2017

'dk kamra'

**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes
Whether Reportable	Yes