

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2932 of 2016
Date of Decision:-21.03.2017.

Ram Niwas

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Deepak Sonak, Advocate for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, the petitioner has sought for a direction to consider his name for promotion to the post of Circle Superintendent on par with the juniors who were promoted on 25.2.2015 vide Anneuxre P-7.

Learned counsel for the petitioner submitted that even though the petitioner is senior to respondent Nos.5 and 6, petitioner's name has been overlooked for promotion to the post of Circle Superintendent on 25.2.2015. Learned counsel for the petitioner contended that overlooking the senior's claim while considering the juniors' claim is highly arbitrary and illegal. Consequently, the petitioner is entitled for promotion to the post of

cadre of Circle Superintendent.

Per contra learned counsel for the respondents submitted that even though the order of promotion dated 25.2.2015 which has been given effect on 30.4.2015. In the meanwhile, the petitioner has attained the age of superannuation and retired from service on 28.2.2015. Therefore, the petitioner's claim is liable to be rejected.

Heard learned counsel for the parties.

Crux of the matter in the present case is whether the petitioner is entitled for promotion to the post of Circle Superintendent on 25.2.2015, the date on which the petitioner was very much in service or not. The contention of the respondents that even though the order of promotion dated 25.2.2015 is relating to respondent Nos.5 and 6 who are admittedly juniors to the petitioner. However, the order of promotion dated 25.2.2015 has been given effect on 30.4.2015 as is evident from the endorsement issued in the order of promotion dated 25.2.2015 (Annexure P-7) is not tenable for the reasons that for the purpose of promotion to any cadre, date of Departmental Promotion Committee meeting or date of promotion is relevant. In the present case on 25.2.2015, respondent Nos.5 and 6 who were admittedly juniors to the petitioner have been promoted to the post of Circle Superintendent. Therefore, denial of promotion to the petitioner is highly arbitrary and illegal. Consequently, the petitioner is entitled for promotion to the post of Circle Superintendent w.e.f. 25.2.2015, if he is otherwise eligible. Such action shall be taken by the concerned respondent within a period of 3 months from today and promote petitioner to the post of Circle Superintendent from the date of respondent Nos.5 and 6 were promoted i.e. w.e.f. 25.2.2015 with consequential benefits including

monetary.

Petition stands allowed with cost of ₹ 5,000/-.

(P.B. BAJANTHRI)
JUDGE

March 21, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.