

LPA no.628 of 2017 (O&M) 1

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

**LPA no.628 of 2017 (O&M)
Date of Decision :20.07.2017**

Karnail Singh

....Appellant(s)

Versus

State of Punjab and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJ SHEKHAR ATTRI**

**Present : Mr. Rajesh Verma, Advocate for
Mr.Neeraj Sharma, Advocate for the appellant**

MAHESH GROVER, J.(ORAL)

This appeal is directed against the judgment of the learned Single Judge dated 10.1.2017.

Appellant retired from service and thereafter, he claims that he ought to have been promoted since he was eligible for promotion as against the available posts which remain unfilled from 1996 to 2012 as after his retirement in 2012 promotions have been made and this would entitle him for consideration and notional promotion with effect from the date when his juniors have been promoted so as to enable him to consequential benefits as well.

After hearing learned counsel for the appellant, we are of the opinion that there is no enforceable right in favour of the appellant. Even if the posts remain unfilled for an unduly long period, it is always the prerogative of the employer whether to fill up posts or not. That apart the

appellant never raised any grievance in this regard while he was in service. After having retired, there would be no argument available to the appellant that his juniors have been promoted in view of extinguishment of his service on account of superannuation. We do not find any reason to interfere in the judgment of the learned Single Judge. Hence, instant appeal is hereby dismissed. However, delay of 57 days in filing the appeal is hereby condoned.

(Mahesh Grover)
Judge

(Raj Shekhar Attri)
Judge

20.07.2017	
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No