

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

CWP No.3169 of 2018 (O&M)

Date of decision: 07.03.2018

Jaskaran Singh and another

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN**

Present: Mr. Madhav Pokhrel, Advocate for the petitioner(s).

\*\*\*\*

**Jitendra Chauhan, J. (Oral)**

By way of the present petition, the petitioner(s) seek(s) issuance of a writ in the nature of certiorari for quashing the impugned order dated 01.12.2017 (Annexure P-8) issued by respondent No.2, vide which the claim of the petitioners was rejected.

It is contended that the petitioners after availing the extension, superannuated from the post of Centre Head Teacher on 31.08.2014 and 31.01.2016 respectively. Subsequently, a seniority list of Centre Head Teacher was prepared by respondent No.3 wherein name of petitioner Nos.1 and 2 have been shown at Sr. No.23 and 24 respectively and another candidate namely Sat Pal whose name was at Sr. No.25 who has now been given promotion to the post of Block Primary Education Officer (BPEO) w.e.f. 21.02.2014, vide order dated 16.12.2016 (Annexure P-5). Therefore, the sole argument has been raised that the person junior to the petitioners has been given promotion with

retrospective effect w.e.f. 21.02.2014, the date when both the petitioners were in service and in such a situation, the petitioners are entitled to be given deemed promotion as BPEO from the date their junior Sat Pal has been promoted.

Heard.

A bare perusal of the record would reveal that petitioner No.1 retired on 31.08.2014 after availing one year of extension and petitioner No.2 retired on 31.01.2016 after availing two years of extension. The petitioners are claiming parity with Sat Pal Singh who had been given the benefit of promotion w.e.f. 21.02.2014 when he was in service. Otherwise also, the petitioners have approached the competent authority after three years. Since the petitioners had already retired from service, therefore, they cannot claimed parity with the person who was already in service and was given the benefit of promotion.

Keeping in view the above, no case for quashing of impugned order dated 01.12.2017 (Annexure P-8) is made out.

Dismissed.

07.03.2018

*sumit.k*

**(JITENDRA CHAUHAN)**  
**JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No