

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

**LPA No. 500 of 2019 (O&M)
DECIDED ON: MARCH 15, 2019**

MOHAN SINGH & OTHERS

.....APPELLANTS

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE AVNEESH JHINGAN, JUDGE**

Present: Mr. Krishan Singh Dadwal, Advocate
for the appellants.

KRISHNA MURARI, CHIEF JUSTICE (ORAL)

CM No. 1172-LPA of 2019

For the reasons mentioned in the application the same is allowed and
delay of 36 days in re-filing the present appeal is condoned.

CM No. 1174-LPA of 2019

Application is allowed, as prayed for.

LPA No. 500 of 2019 (O&M)

This intra court appeal under Clause X of the Letters Patent Appeal has
been filed against the judgment and order dated 22.10.2018 passed by learned Single
Judge dismissing the writ petition filed by the appellants claiming promotion to the
post of Senior Assistant with retrospective effect from 01.01.1998.

The main ground for the relief claimed in the petition was that even though the appellants acquired the prescribed qualification for promotion as Senior Assistants, namely, completion of one year service as Junior Assistants long back in the year 2000, but still their promotion was wrongly withheld. In the year 2015, they were promoted to the posts of Senior Assistant, though they were entitled to the promotion after completion of one year on the post of Junior Assistant in 2000. Learned Single Judge vide impugned order dismissed the petition on the ground that it is not the case of the petitioners that any person junior to them has been promoted and merely possessing the eligibility condition does not vest petitioners with a right to consideration for promotion with effect from the date of acquiring the eligibility.

It is a well settled proposition of law that when an employee acquires qualification he becomes eligible for being considered for promotion but that does not mean that he has a vested right to be considered for promotion compulsorily with effect from the date he acquires the requisite qualification.

In the case in hand, it is an admitted position that the petitioners, even though had acquired the requisite qualification much before the date of their actual promotion as Senior Assistants but had no vested right to be considered for promotion to the said post from the date they acquired prescribed qualification.

In view of above, we see no good ground to take a different view than the one taken by learned Single Judge in dismissing the writ petition. The appeal being devoid of merits stands dismissed. Application for additional evidence is also dismissed.

At this stage, learned counsel for the appellants submitted that there is no justification to impose cost of ₹1000/- each on the appellants/petitioners. In the

facts and circumstances, we do not find any justification of imposing cost on the appellants-petitioners while dismissing the writ petition.

Accordingly, the judgment of learned Single Judge stands modified to the extent that part of the order dismissing the writ petition is affirmed but the part of the order imposing ₹1,000/- costs each on the appellants/petitioners is hereby set aside.

Appeal accordingly stands disposed of.

(KRISHNA MURARI)
CHIEF JUSTICE

MARCH 15, 2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No