

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

**CWP-5992-2019 (O&M)
Date of decision : 6.3.2019**

Ankur Sharma

..... Petitioner

Versus

Union of India and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE RAJIV SHARMA
HON'BLE MR. JUSTICE KULDIP SINGH**

Present:- Mr. Abhishek Kumar, Advocate for the petitioner.

KULDIP SINGH, J.

Petitioner-Ankur Sharma has challenged the order dated 10.1.2019 (Annexure P-5), passed by Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short 'the Tribunal') vide which the original application filed by the applicant-petitioner seeking direction to respondents to consider the case of the applicant-petitioner for promotion as Administrative Officer from 25.1.2015 when he became eligible for the said promotion, was dismissed.

Applicant-petitioner was appointed as Assistant Administrative Officer vide order dated 16.1.2012 and his services were confirmed on 25.9.2014. According to the applicant-petitioner, he was eligible for promotion w.e.f. 25.1.2015 but he was actually promoted vide order dated 17.2.2016 with immediate effect. Applicant-petitioner claims that he should have been promoted from the date he became eligible for promotion.

The Tribunal declined the said prayer stating that applicant-petitioner has no right to be promoted to the higher post from the date he became eligible.

We have learned counsel for the petitioner and have carefully gone through the case file.

The Tribunal has referred to para 17.11 of the DoPT guidelines dated 10.4.1989 which specifically provides that the promotions shall be effective from the date of DPC or from the date of actual promotion, whichever is later. After the applicant-petitioner became eligible for promotion, he had the right to be considered for the said promotion. It is nowhere laid down in any rules that he should be promoted from the date, he became eligible for promotion. In the absence of any rules, applicant-petitioner cannot claim that he should be promoted from the date, he became eligible for promotion.

The Tribunal has rightly relied upon the authority of Full Bench of this Court reported in *AIR 1970 Punjab 481*, titled as 'Head Constable Sardul Singh vs. Inspector General of Police' in which it was held that civil servant had only right to be considered for promotion and has no right for promotion to the higher rank. It is for the authorities to see as to whether and from which date, employee is to be promoted. Similar views were expressed by the Apex Court in *AIR 1990 SC 443* titled as 'Union of India and others vs. K.K. Vadera and others'.

Learned counsel for the petitioner has failed to point out as to under which rules; instructions or judicial pronouncements, applicant-

petitioner is entitled to promotion from the date he became eligible for the next higher promotion to the post of Administrative Officer. After he became eligible, his name was considered and he was promoted vide order dated 17.2.2016. The normal rule is that promotion is effective from the date it is ordered.

There is no illegality or infirmity in the order dated 10.1.2019 (Annexure P-5), passed by Central Administrative Tribunal, Chandigarh Bench, Chandigarh.

Dismissed.

(RAJIV SHARMA)
JUDGE

(KULDIP SINGH)
JUDGE

6.3.2019
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Whether speaking / reasoned	Yes
Whether Reportable:	Yes