

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 24164 of 2019
Date of decision: 05.11.2019

Santosh Kumari

....Petitioner(s)

Versus

UOI and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. HPS Ghuman, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner, in a petition filed under Articles 226 and 227 of the Constitution of India, seeks direction to the respondents to convene DPC and promote the petitioner w.e.f. 01.01.2019 to the post of Superintendent-I and also provide all consequential benefits such as pay/pension revision, arrears etc.

It is not disputed that the petitioner retired on 28.02.2019 from the post of Superintendent-II. The respondents, in response to the directions given by this Court earlier, have rejected the claim on the ground that there is no vested right as such for promotion. The relevant portion reads thus:-

“3. It is a settled proposition of law that no employee has a right for actual promotion and the only right available is for consideration for promotion to the next higher post and in the present case, it is further a matter of record that no junior to Smt. Santosh Kumari was actually promoted to the rank of Superintendent, Grade-I and thus it is the case where although a vacancy in the rank of Superintendent Grade-I was available but neither Smt. Santosh

Kumari, nor any body else was promoted to the said post in between the period from 01.01.2019 to 28.02.2019. Smt. Santosh Kumari, in view of above, does not have any vested right for actual promotion to the post of Superintendent, Grade-I.”

The Rules, as such, also provide promotion from Superintendent-II with one year's experience as such. It is settled principle that there is no vested right for promotion and there was only two months' window as such before the petitioner has retired as the vacancy only arose only on 01.01.2019.

In such circumstances, the petitioner's claim for promotion in the absence of any junior having promoted is not maintainable as there is no enforceable right of promotion. It is not the case of the petitioner that the case was pending for consideration and the vacancy was available for a considerable long period.

Accordingly, this Court finds no merit in the present petition and the same is dismissed in limine.

05.11.2019
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No