

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(216)

CWP No. 2559 of 2017

Date of Decision : 09.05.2022

Bipan Kumar Sood

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Akshay Bhan Senior Advocate with
Mr. Santosh Sharma, Advocate and
Mr. Shaurya Khanna, Advocate for the petitioner.

Ms. Anju Sharma Kaushik, D.A.G., Punjab.

Harsimran Singh Sethi J. (Oral)

The present petition has been filed with a prayer that respondents be directed to grant the petitioner the promotion to the post of Director and Warden, Fisheries Department with effect from the date the additional charge of the said post was given to him.

Learned senior counsel appearing on behalf of the petitioner very fairly submits that keeping in view the settled principle of law settled by the Hon'ble Supreme Court of India in Civil Appeal Nos. 517-518 of 2017 titled as ***Union of India and another Vs. Manpreet Singh Poonam etc.***, decided on 08.03.2022, mere existence of a vacancy per se will not create a right in favour of an employee for retrospective promotion when the

vacancies in the promotional post arose hence, petitioner does not press his

prayer for the grant of promotion with retrospective effect.

Learned senior counsel submits that once the petitioner had discharged the duties of the higher post, he is entitled for the grant of salary of the said post for the period for which he discharged the duties keeping in view the settled principle of law. Hence, the petitioner intends to make a representation claiming the said benefit and the respondents may kindly be directed to decide the said issue in a time bound manner by passing an appropriate speaking order.

Learned State counsel submits that in case, any such representation is filed by the petitioner claiming the benefit of salary of the post of Director and Warden, Fisheries Department, appropriate consideration will be given and appropriate order will be passed within a period of eight weeks of the receipt of the said representation and in case, it is found that any benefit accrues in favour of the petitioner, the same should also be released to him within a period of one month thereafter.

Learned senior counsel for the petitioner submits that keeping in view the above, the present petition may kindly be disposed of having been not pressed any further but with liberty, as prayed for.

Ordered accordingly.

May 09, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No