

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No. 1065 of 2021 (O&M)
Date of Decision: 01.02.2023

Raj Kumar Nanda

.....Appellant

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present : Mr. Ramesh Sharma, Advocate, for the appellant.
Mr. Avinit Avasthi, Assistant Advocate General, Punjab.

RAVI SHANKER JHA, CHIEF JUSTICE (oral)

This appeal has been filed by the appellant being aggrieved by the order dated 10.02.2021 passed in Civil Writ Petition No. 2897 of 2021 by the learned Single Judge dismissing the writ petition filed by the appellant-petitioner wherein the petitioner had assailed the order dated 04.11.2020 passed by the respondent-authorities declining the claim made by the petitioner seeking retrospective promotion and benefits on the post of District Revenue Officer.

Brief facts leading to the filing of the petition are that the petitioner, who was working at the relevant point of time as Naib Tehsildar, was charge-sheeted in the year 2008 and was thereafter dismissed from service pursuant to the departmental proceedings vide order dated 07.05.2012. The order of dismissal was assailed by the petitioner in Civil Writ Petition No. 11011 of 2012, which was ultimately allowed by this Court vide order dated 11.11.2013 directing the respondent-authorities to reinstate the petitioner with all consequential benefits. In the meanwhile, one Paramjit Kaur Sandhu was promoted to the post of District Revenue Officer vide order dated 03.02.2011. However, this order of promotion was cancelled by a subsequent order dated 18.06.2013 by the authorities well before the order passed by this Court, in the petition filed by the petitioner, on 11.11.2013. Admittedly, during the pendency of the petition, the petitioner attained the age of superannuation and was accordingly superannuated on 30.06.2012. After passing of the order in the petitioner's

case directing reinstatement, the petitioner filed a Contempt Petition whereafter the respondent-authorities complied with the said order granting all benefits to the petitioner and therefore, this Court vide order dated 02.08.2017 passed in COCP No. 2159 of 2016 disposed of the Contempt Petition granting liberty to the petitioner to approach the competent authority in case any cause of action survives. It is stated that the petitioner thereafter approached the respondent-authorities by filing a representation. The petitioner filed a Civil Writ Petition No.675 of 2020 which was withdrawn on 13.01.2020 with liberty to pursue the matter with the respondent-authorities. Thereafter, the respondent-authorities passed the impugned order dated 04.11.2020 rejecting the claim of the petitioner for granting retrospective promotion from the date the petitioner's junior, namely, Paramjit Kaur Sandhu was granted promotion i.e. 03.02.2011.

Learned counsel for the appellant-petitioner submits that as the petitioner was directed to be reinstated with all consequential benefits, he was entitled to be considered for promotion and grant of all notional benefits from the date the same were granted to the petitioner's junior. He submits that the learned Single Judge has not appreciated this issue in proper perspective. Hence, this appeal.

Having heard learned counsel for the appellant, it is observed that the appellant-petitioner was out of service from 07.05.2012 to 11.11.2013 and that during this period the respondent-authorities passed an order promoting Paramjit Kaur Sandhu on 03.02.2011 but before the said order could be implemented and much before the order of reinstatement of the petitioner was passed by this Court, the said order of promotion in favour of Paramjit Kaur Sandhu was withdrawn and cancelled on 18.06.2013 by the authorities. It is also evident that the petitioner superannuated on 30.06.2012 whereafter his petition was allowed by this Court on 11.11.2013 and at that point of time the petitioner did not amend or take up the issue regarding grant of retrospective promotion alongwith the petitioner's junior. It is further evident that as on the date the respondent-authorities considered the case of promotion of Paramjit Kaur Sandhu, the petitioner was not in service and therefore, she being senior most was granted promotion which was subsequently cancelled.

In view of the undisputed facts, the learned Single Judge has rightly recorded a finding to the effect that no person junior to the petitioner was ever promoted on the post of District Revenue Officer and therefore, the claim of the petitioner for grant of retrospective promotion, from the date his junior was granted promotion, is misconceived and has no factual basis. Quite apart from the above, the learned Single Judge has also rightly recorded a finding to the effect that as no promotions took place during the said period, thus, the prayer of the petitioner for being granted retrospective promotion, while he was in service, is misconceived.

We do not find any infirmity or illegality in the impugned order passed by the learned Single Judge. The appeal being devoid of merits, stands dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

01.02.2023
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Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No/