

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

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**CWP No.13885 of 2023
Date of Decision: 04.07.2023**

Surinder Pal Singh and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr.Sunny Singla, Advocate for the petitioner.

SANJEEV PRAKASH SHARMA, J (ORAL)

The present petition has been filed for quashing the order dated 09.12.2022 whereby the claim of the petitioner for promotion as Block Primary Education Officer (BPEO) from the post of Centre Head Teacher w.e.f. their Junior and similar situated were promoted with all consequential benefits has been rejected by the respondent No.2 in compliance of the High Court's order.

Admittedly, the petitioner did not file any writ petition claiming promotion . This Court in a bunch of LPA decided on 25.09.2018 directed as under:-

[4] We have heard learned counsel for the parties at a considerable length and are of the view that the appellants cannot take undue advantage of their own inaction or wrongs. Seniority is a condition of service. It has to be determined at the earliest in accordance with the Rules governing conditions of service. If any delay occurs because of multiple Court proceedings, the authorities ought to have evolved some mechanism to grant regular promotions to the senior most Lecturer/ Master/ Mistresses, for promotion is also a legitimate expectation in service career. The controversy nevertheless

does not require further deliberations, for necessary directions to consider and promote the Lecturer/ Master/ Mistresses on higher posts as per their seniority and other eligibility conditions have already been issued by this Court in the above-cited order dated 23.05.2017. Let those directions be complied with within the time-frame given in the cited order. The respondents in the lead case or the writ petitioners in the connected petitions shall also be considered for regular promotion as per their seniority and eligibility conditions from the due date and in accordance with the Rules, which were in vogue at the time of occurrence of vacancies. While the promotions shall be granted retrospectively but on notional basis only and they shall be entitled to fixation of their pension and other retiral benefits as per the pay deemed to have been drawn by them on the higher promotional posts. They shall also be entitled to arrears of pension and other retiral benefits alongwith interest @7% per annum. The needful shall be done within a period of six months. However, if the respondents in the lead case and the writ petitioners in the connected cases have not been granted emoluments for the period they officiated/worked on the higher posts, let such claim be also considered within a period of four months.

Apparently, the directions for consideration for promotion are with respect to the writ petitioners alone. Since the petitioner was not party to the said proceedings he can not claim the same benefit after having retired way back in the year 2003. The writ petition suffers from unexplained delay and gross latches.

In view of the above, the present petition is dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

04.07.2023

Raman

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