

114

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-28857-2023

Date of Decision: 21.12.2023

Kuldeep Kaur

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Mohit Garg, Advocate for the petitioner.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Admittedly, as contended by the counsel for the petitioner, the DPC for making recommendations for promotion to the post of Nursing Sister was held on 27.12.2022. However, the petitioner retired on 31.12.2022. The orders of promotion were not passed up to the date when the petitioner superannuated.
2. Learned counsel for the petitioner submits that the action of the respondents, in not acting upon the recommendations before the petitioner retired, has taken away wrongfully her right for consideration for promotion and she has been deprived of retiring from a higher post resulting in her being deprived of her higher pension.
3. I have considered the submissions.
4. While the DPC is a recommendatory body, it is not necessary that the State Government would take immediate action on the said recommendations. The suitability of an individual for the post can be examined by the State Government after receiving recommendations

from the DPC. If there is an inquiry initiated or a criminal case is registered in between the period after the recommendations and before any order of actual promotion is passed, same can be one reason to withhold promotions in spite of recommendations.

5. Thus, this Court finds that no right is created merely on the basis of recommendations of the DPC. Promotion is granted only from the date the orders are passed by the State Government. As the petitioner stood superannuated on 31.12.2022 and orders of promotion were passed subsequently, no case for claim of promotion can be said to be made out in favour of the petitioner.
6. Writ Petition thus fails and is *dismissed* accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

December 21, 2023

Mohit goyal

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |