



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(225)

CWP No. 3505 of 2023 (O&M)

Date of Decision : 30.08.2024

Jagmeet Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Balbir Singh Saini, Advocate for the petitioner.

Mr. Charanpreet Singh, Assistant Advocate General, Punjab.

Mr. R. S. Sekhon, Advocate for respondent No. 4.

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**Harsimran Singh Sethi J. (Oral)**

1. In the present petition, the grievance being raised by the petitioner is that he has been debarred for promotion to the post of Master Cadre on the ground that the petitioner refused to accept the promotion as an English Master.

2. Learned counsel for the petitioner submits that keeping in view the qualification of the petitioner, the petitioner was eligible for consideration as Math Master as well as Master (English) and keeping in view the qualification which the petitioner possessed, he was interested only for promotion as a Math Master keeping in view the option filled up while filling up the proforma, wherein the petitioner has not opted for promotion to the post of English Master.



3. Learned counsel submits that the petitioner appeared for counseling for the post of Math Master as well as for the English Master and ultimately, the petitioner was given promotion as an English Master. Learned counsel further submits that prior to the order of promotion, the petitioner had already given in writing that though he had appeared in the counseling for the post of English Master but as he was only interested for promotion as a Math Master and that his claim for Master (English) be not considered but still, the respondents passed an order of promotion as Master (English), which was not accepted and ultimately, led to the passing of the impugned order in debarring the petitioner for a period of two years for not accepting the promotion as Master (English).

4. Upon notice of motion, the respondents have filed the reply, wherein, the respondents have mentioned that once the petitioner participated in the counseling for the post of Master (English), his claim was considered though, the respondents have not rebutted the fact that the petitioner initially opted only for the post of Math Master. Learned counsel for the respondents submits that once the petitioner competed for the post of English Master by appearing in the counseling, later on opting out, the petitioner has rightly been debarred for a period of two years for not accepting the promotion to the Master Cadre.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. Initially the petitioner only opted for the post of Math Master and did not opt for the post of Master (English) and even after appearing in the counseling for the post of Master (English), the petitioner gave in writing



that his claim for the post of Master (English) not be considered hence, the respondents should not have considered his claim for the post in question i.e. Master (English).

7. Once, the petitioner had already given in writing prior to the order of promotion that he is not interested in getting promotion as Master (English), the act of the respondents in going ahead and promoting him as Master (English), which promotion was not accepted the respondents should not have debarred the petitioner for a period of two years.

8. Once the petitioner was eligible for more than one post and he had already chosen the post of Math Master, the respondents should have only considered him eligible for the said post of his choice only.

9. Even though, the passing of the order of promotion is due to the fact that the petitioner also appeared for the interview/selection for the post of Master (English) however, later on he withdrew the said consideration, therefore, declaring the petitioner ineligible to claim promotion in the Master Cadre for a period of two years will not be appropriate in the facts and circumstances of the present case hence, the impugned order dated 16.10.2018 (Annexure P-6) is set-aside. The respondents are directed to consider the claim of the petitioner for the post of Math Master as per his seniority as and when his turn will come. In case, after the passing of the impugned order, any candidate junior to the petitioner has been promoted as a Math Master, the claim of the petitioner be considered for the said post of Math Master from the date the junior has been promoted.

10. Keeping in view the facts and circumstances of the present case, where the petitioner had at one given point of time chosen to compete for the



post of Master (English), which led to the passing of the order debarring the petitioner for a period of two years on his refusal to accept the promotion as Master (English) the petitioner will only be granted the notional benefits in case he is found entitled for promotion as Math Master retrospectively from the date the employees junior to him have been promoted as Math Master and no arrears will be given to the petitioner till the actual date of promotion.

- 11. Petition is allowed in above terms.
- 12. Pending miscellaneous application, if any, also stands disposed of.

August 30, 2024  
kanchan

(HARSIMRAN SINGH SETHI)  
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No