

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

(205)

CWP-13832-2017

Date of Decision : March 05, 2024

Bhagwanti**.. Petitioner****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Shailendra Sharma, Advocate, for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioner is that while the petitioner was working on the post of Accountant, the petitioner became eligible for promotion to the post of Superintendent and the post of Superintendent became available w.e.f., 01.03.2013 and the petitioner was fully eligible for promotion but the said benefit of promotion was not given to her and ultimately, the petitioner retired from service on attaining the age of superannuation hence, once the petitioner became eligible for promotion to the post of Superintendent while in service, the respondents are under an obligation to promote the petitioner on the said post with retrospective effect.

2. Learned State counsel submits that the promotion cannot be claimed as a matter of right and it is not the case of the petitioner that anybody who was junior to the petitioner, has been promoted to the post of Superintendent during the service career of the petitioner hence, the claim

of the petitioner as being raised in the present writ petition, is liable to be rejected.

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

4. It is a settled principle of law that the promotion cannot be claimed as a matter of right and only the consideration for promotion can be claimed and that too as and when the Department decides to effect promotions. In the present case, nothing has come on record that during the service career of the petitioner after the petitioner attains the eligibility for promotion, the post of Superintendent was filled up or anybody junior to the petitioner was promoted in preference to the petitioner.

5. In the absence of any fact on record, merely that the vacancy was available, will not give a right to the petitioner to claim promotion. The view being taken by this Court is supported by the judgment of the Hon'ble Supreme Court of India in *Civil Appeal No.517-518 of 2017 titled as Union of India and another vs. Manpreet Singh Poonam etc, decided on 08.03.2022.*

6. Keeping in view the facts and circumstances of the present case, as nobody junior to the petitioner was ever promoted to the post of Superintendent during her service career, no grievance can be raised by the petitioner for non grant of promotion to the post of Superintendent during the service career.

7. Dismissed.

March 05, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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