



In the High Court of Punjab and Haryana at Chandigarh

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CWP No.17922 of 2016(O&M)

Date of Decision: 24.10.2024

Mandip Kaur

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. D.D. Bansal, Advocate for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that the petitioner is entitled for promotion to the post of Superintendent Grade-II w.e.f. the date the juniors have been promoted and the impugned order dated 22.07.2016, copy of which has been appended as Annexure P-43, denying the said promotion, may kindly be set aside.

2. Learned counsel for the petitioner submits that while the petitioner was working as a Senior Assistant, a charge-sheet was served upon her, and during the pendency of the said disciplinary proceedings, the claim of the employees for promotion to the post of Superintendent Grade-II was considered and keeping in view the fact that the petitioner was facing departmental proceedings, her case was kept pending subject to the outcome of the disciplinary proceedings and the juniors were promoted.

3. Learned counsel for the petitioner further submits that though, in the departmental proceedings, ultimately the petitioner was found guilty and the department imposed the major punishment of stoppage of two



increments with cumulative effect, but as the punishment was imposed after the promotion of the juniors, the petitioner is entitled for promotion to the post of Superintendent Grade-II w.e.f. the date the employee junior to the petitioner has been promoted.

4. Learned State counsel submits that as per the rules governing the service, an employee who is facing departmental proceedings, is not entitled for promotion and the retrospective promotion can only be claimed in case, the employee gets exonerated in the departmental proceedings, whereas in the present case, the petitioner was imposed with major punishment of stoppage of two increments with cumulative effect, hence, the claim of the petitioner seeking retrospective promotion from the date juniors were promoted, is liable to be rejected.

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

6. It is conceded between the parties that as per the rules governing the service, an employee who is facing the departmental proceedings is not entitled for promotion. Keeping in view the said rule, when the juniors were promoted to the post of Superintendent Grade-II, the petitioner could not be promoted as she was facing the departmental proceedings. In the departmental proceedings, ultimately the petitioner was found guilty and was imposed a punishment of stoppage of two increments with cumulative effect which is a major punishment and that being so, the petitioner cannot be promoted with retrospective effect. The petitioner can only be considered for promotion prospectively.

7. Learned counsel for the petitioner has not been able to cite any



rule wherein, an employee who has been held guilty in the departmental proceedings and has been punished with major punishment, is entitled for retrospective promotion.

8. Keeping in view the facts and circumstances as recorded hereinabove, no ground for interference by this Court is made out and the present petition is accordingly dismissed.

9. Pending miscellaneous application, if any, also stands disposed of.

OCTOBER 24, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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