



In the High Court of Punjab and Haryana at Chandigarh

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CWP No.13923 of 2018(O&M)
Date of Decision: 24.10.2024

Ramjit Dass

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gagan Pradeep Singh Bal, Advocate and
Mr. Shubham Makkar, Advocate for the petitioner.

Mr. T.P.S. Chawla, Senior DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that the petitioner has been retired as a Sub Inspector by passing the impugned order dated 30.04.2018 (Annexure P-5) even though, the competent authority had already passed an order promoting the petitioner to the post of Inspector in the pay-scale of 10300-34800 + 3800 Grade Pay on the same day and therefore, the respondents are liable to be directed to treat the petitioner as an Inspector on the date of his retirement and grant the benefits which are admissible to him qua the post of Inspector keeping in view the rules governing the service.

2. Learned State counsel submits that the order of promotion, copy of which has been appended as Annexure P-5, was passed by the competent authority on 30.04.2018 but the same was not received before the retirement of the petitioner and therefore, the petitioner was retired as Sub Inspector on 30.04.2018.



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

4. Once, it is not in dispute that on 30.04.2018, the petitioner was promoted by the competent authority as Inspector in that particular case, the respondents were under obligation to retire the petitioner as an Inspector. Once the actual order of promotion has been passed before the petitioner attained the age of superannuation by 5 PM on 30.04.2018, the respondents were under obligation to treat the petitioner as Inspector. Even if, the order passed by the competent authority (Annexure P-5) was not received in the office before his retirement, upon receipt of the said order, the retirement order dated 30.04.2018 copy of which has been appended as Annexure P-6, should have been modified by the respondents to grant the petitioner the relief, which had already been granted by the competent authority before the petitioner had attained the age of superannuation.

5. Keeping in view the above, the respondents are directed to pass an appropriate order treating the petitioner as Inspector on the date of retirement, keeping in view the promotion granted to the petitioner by the competent authority vide order Annexure P-5 dated 30.04.2018 and whatever the benefit which the petitioner becomes entitled for qua the promotion to the post of Inspector granted vide Annexure P-5 be also ascertained keeping in view the rules governing the service and in case, any further benefit is to be granted to the petitioner on being retired as Inspector qua fixation of his salary, release of the pensionary benefits including pension, be also considered and appropriate order be passed within a period of eight weeks from the date of the receipt of certified copy of this order. In



case, the petitioner is found entitled for any relief, the same be also released to him within a period of four weeks thereafter.

- 6. The present petition is disposed of in the aforesaid terms.
- 7. Pending miscellaneous application, if any, also stands disposed of.

OCTOBER 24, 2024
d.gulati

(HARSIMRAN SINGH SETHI)
JUDGE

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