

promoted and keeping in view of the certain facts, the restructuring of the Department was done and by the time, the restructuring was done, the petitioner already retired from service on attaining the age of superannuation on 31.12.2000 and no junior was ever promoted upto the said date hence, no grievance can be raised by the petitioner.

Learned counsel for the respondent-State further submits that after the amendment of the Punjab Town and Country Planning Group-A Service Rules, 2017, the petitioner also did not had the requisite qualification for promotion to the post of Planning Officer as the Degree obtained by the petitioner was from a “*distant mode*”.

Learned counsel for the petitioner has not been able to show his eligibility for promotion keeping in view the qualification required for the post in question keeping in view the averments as made in the reply.

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

It is a conceded fact that no junior of the petitioner has been promoted to the post of Planning Officer in preference to the petitioner. The only argument raised is that the petitioner was eligible and the posts were vacant. It is a settled principle of law that even if the posts are vacant and the employee is eligible, the jurisdiction to effect promotion remains with the employer. Nobody can claim promotion from the date of eligibility on the ground that the posts are vacant. The only right an employee has for the consideration of his/her claim for the promotion. Nothing has come on record that any junior of the petitioner was considered and promoted prior to the retirement of the petitioner.

Keeping in view the above, no ground is made out for the grant of benefit of promotion even if prior to the retirement, the post of Planning Officer was available and the petitioner was eligible.

Hence, the present petition stands dismissed

27-11-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
 Whether reportable: YES/NO