



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

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CWP-8154-2025

Date of decision: 24.03.2025

KULDEEP SAINI

....PETITIONER

Vs.

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. A.P. Bhandari, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 05.06.2023 (Annexure P-1) whereby he has been granted notional promotion w.e.f. 28.01.2015.
2. The petitioner claims that he has been promoted to the rank of Inspector vide order dated 05.06.2023. He has been promoted w.e.f. 28.01.2015 on notional basis. From 05.06.2023, he is entitled to salary as payable to Inspector. By notional promotion, he has been assigned seniority and designation but he is deprived from differential amount of salary i.e. salary payable to a Sub Inspector and Inspector. The petitioner was not at fault for the delayed promotion. His case was not properly considered in 2015 DPC. He was not supplied requisite information and his promotion in 2023 without back wages is bad. His case is squarely covered by judgment of Supreme Court in '*Shobha Ram Raturi Vs. Haryana Vidyut Prasaran Nigam Limited and others*' (2016) 16 SCC 663.
3. I have heard the arguments and perused the record.



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4. From the perusal of record, it is evident that petitioner has been promoted vide order dated 05.06.2023, however, w.e.f. 28.01.2015. There is nothing on record disclosing the reason of his promotion w.e.f. 28.01.2015. The petitioner is claiming that he was eligible for promotion in 2015, however, he was wrongly deprived of the same. The petitioner did not assail findings of DPC held in 2015. He continued to work as Sub Inspector and never assailed decision of DPC. The respondent has promoted him with retrospective effect and he has been extended benefit of seniority. On account of notional promotion, he has been denied benefit of back wages. The petitioner is relying upon judgment of Supreme Court in **Shobha Ram Raturi (Supra)**, which is distinguishable and is not applicable to instant case. The facts of the said case were entirely different to instant case. It is not a case of premature or compulsory retirement whereas **Shobha Ram Raturi (Supra)** case related to premature retirement. The petitioner, in the case in hand worked as Sub Inspector from 2015 to 2023 and got salary of Sub Inspector. If he is extended salary of Inspector for the period from 2015 to 2023, it would amount to payment of salary of Inspector, though he had worked as Sub Inspector.

5. Supreme Court recently in '**Government of West Bengal and others Vs. Dr. Amal Satpathi and others**' (2024) SCC OnLine SC 3512 has held that an employee is not entitled to salary of promotional post if he has not occupied said post.

6. In the backdrop, instant petition deserves to be dismissed and accordingly dismissed.

24.03.2025
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No