



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(238)

CWP No. 14925-2017 (O&M)

Date of Decision : 05.05.2025

Mangaljit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Deepak Jaglan, Advocate for
Ms. Supriya Garg, Advocate for the petitioner.

Ms. Akshita Chauhan, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that petitioner was eligible for promotion to the post of Sub Divisional Engineers (SDO) and even his claim was considered by Departmental Promotion Committee on 16.05.2017 but before he could be promoted, he retired from service on attaining the age of superannuation on 31.05.2017 hence, the respondents be directed to grant the benefit of retrospective promotion to the petitioner with effect from the date he was considered by the Departmental Promotion Committee i.e. 16.05.2017.

2. Learned counsel appearing on behalf of the respondents submits that the said Departmental Promotion Committee's result could not be declared and was to be kept in sealed cover keeping in view the order passed by this Court in CWP No. 7085 of 2016. Learned counsel submits that the



said sealed cover was only opened after the retirement of the petitioner on 19.06.2017 hence, once the petitioner had already retired and no one junior to the petitioner has been promoted prior to the date of his retirement, no claim can be raised by the petitioner for the grant of retrospective promotion hence, the present petition is liable to be dismissed.

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

4. It is a conceded fact that the Departmental Promotion Committee met on 16.05.2017 for considering the name of the employees including the petitioner eligible for promotion to the post of Sub Divisional Officer/Engineer. Keeping in view the order passed by this Court in CWP-7085-2016 without the permission of the Court, the sealed cover was not to be opened. The said order was only modified after the retirement of the petitioner and the sealed cover was opened on 19.06.2017 by which date the petitioner had already retired attaining the age of superannuation on 31.05.2017.

5. It may be noticed that the question of law as to whether an employee who has retired, can claim promotion from the date of recommendation, has already been considered by the Hon'ble Supreme Court of India in Civil Appeal No. 13187 of 2024 titled as ***Government of West Bengal and others Vs. Dr. Amal Satpathi and others***, decided on 27.11.2024, wherein, it has been held that there is no process of retrospective promotion after retirement. The relevant paragraph of the judgment in ***Dr. Amal Satpathi and others' case (supra)***, is as under :-



“21. While we recognize respondent No.1's right to be considered for promotion, which is a fundamental right under Articles 14 and 16(1) of the Constitution of India, he does not hold an absolute right to the promotion itself. The legal precedents discussed above establish that promotion only becomes effective upon the assumption of duties on the promotional post and not on the date of occurrence of the vacancy or the date of recommendation. Considering that respondent No. 1 superannuated before his promotion was effectuated, he is not entitled to retrospective financial benefits associated to the promotional post of Chief Scientific Officer, as he did not serve in that capacity.”

6. In the present case, the petitioner had already retired on the date when the Departmental Promotion Committee Recommendations were opened.

7. Further, nothing has come on record that any junior to the petitioner was promoted in preference to the petitioner while the petitioner was in service. Once, no junior has been promoted in preference to the petitioner, the petitioner cannot claim retrospective promotion merely on the ground that his claim was considered by the Departmental Promotion Committee Recommendations were only opened to be accepted after the retirement.

8. Keeping in view the totality of the circumstances coupled with the settled principle of law noticed here-in-before, no ground is made out for any interference by this Court in the present petition.

9. Dismissed.



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

May 05, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No