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

CM-1121-CWP-2025

in/and CWP-24707-2014 (O&M)

Date of Decision:29.01.2025

HARMESH KUMAR

.....Petitioner(s)

V/s.

CENTRAL ADMINISTRATIVE TRIBUNAL AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Anil Rathee, Advocate for the applicant-petitioner.

SANJEEV PRAKASH SHARMA, J. (Oral)

CM-1121-CWP-2025

This application is filed by the petitioner for fixing the main case i.e. CWP-24707-2014, listed at Sr. No.545 on the regular board, for some actual date of hearing.

For the reasons mentioned in the application, the same is allowed and the main case is taken on board today itself.

CWP-24707-2014 (O&M)

1. The present Writ Petition is filed assailing order dated 15.09.2014 (Annexure P-4) passed by the Central Administrative Tribunal, whereby the claim of the petitioner for seeking promotion on the post of Senior Assistant over and above respondent No.4 was rejected.

2. The entire case of the petitioner is that he was appointed as Clerk as a disabled candidate on 16.05.1994 and became eligible for promotion to the post Senior Assistant on 16.05.1999. There were two posts available as on 31.08.2000 which were given to Surinder Singh and Ram Rattan Kaushal while, one post of Senior Assistant was available as



per the roster point and the petitioner was entitled to be considered for promotion in the disabled quota.

3. Learned counsel for the petitioner has submitted that respondent No.4, who was appointed in the year 1987, acquired disability much later point of time and disability certificate was issued to him on 31.03.2003 reflecting that he was suffering from 45% disability. Taking him to be a disabled candidate and treating him senior to the petitioner, the promotion was granted to respondent No.4 by the Departmental Promotion Committee (DPC) which was held on 29.01.2009 which considered the backlog posts of promotion quota for physically handicapped persons.

4. Learned counsel for the petitioner submits that since respondent No.4 acquired disability only in the year 2003, and the matter of vacant posts is related to year 1999/2000, the petitioner alone should have been considered in the year 2000 as he was the only disabled category candidate available with the department and therefore, he submits that the judgment passed by the CAT deserves to be set aside.

5. We have considered the submissions and carefully gone through the impugned judgment passed by the CAT and find that so far as the consideration of the case of the petitioner as well as respondent No.4 is concerned, the same was considered by the DPC which was held on 29.01.2009. The promotion awarded to respondent No.4 is also w.e.f. 29.01.2009 and therefore, at the time when the promotion exercise was being conducted, there were two candidates available with them having disability above 40%. Resultantly, the case of respondent No.4, who was senior, was considered and he was awarded promotion to the post of Senior Assistant which, in any manner, cannot be said to be wrongful or



unjustified. It is not a case where the promotion is given to respondent No.4 from the date when vacancy occurred i.e. from a retrospective date.

6. In the circumstances, the claim of the petitioner does not survive. Accordingly, the present Writ Petition, assailing the order of the CAT, is found to be without merits and the same stands **dismissed**.

7. All pending applications in this case are disposed of accordingly.

[SANJEEV PRAKASH SHARMA]
JUDGE

[MEENAKSHI I. MEHTA]
JUDGE

January 29, 2025

Ess Kay

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No