



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

113

CWP-20822-2025

Decided On: 28.08.2025

AYYUB KHAN

....PETITIONER(s)

Versus

STATE OF HARYANA AND OTHERS

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Mohammad Arshad, Advocate
for the petitioner.

Ms. Tanushree Gupta, Senior Deputy Advocate General,
Haryana.

TRIBHUVAN DAHIYA J.(Oral)

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to grant notional promotion to the petitioner from the post of Clerk to Assistant, Deputy Superintendent and Superintendent in accordance with the Government notifications for Persons with Disabilities dated 18.11.1996 and 11.07.2023.

2. Learned State counsel has referred to the affidavit filed on behalf of the respondents to contend that the petitioner was appointed as Clerk in the Department on 07.02.1980, and on submission of his Disability certificate was considered as Person with Disabilities with effect from 07.02.1985. He retired from service on attaining the age of superannuation with effect from 30.06.2017. Subsequently, in terms of the Government notifications aforementioned, he was given notional promotion as Assistant with effect from 31.12.2001, vide office order dated 18.04.2025. However, he could not



be considered for promotion as Deputy Superintendent as the post under the category became available in 2019, and by that time he had already retired from service. Besides, she referred to the details of Assistants senior to him in the category, who could also not be promoted as Deputy Superintendent on account of non-availability of posts. Accordingly, the petitioner has no right to consideration for promotion.

3. The facts aforementioned could not be disputed by learned counsel for the petitioner, he, however, contends that the petitioner is entitled to promotion by considering him disabled right from the date of his appointment/regularisation, i.e., 07.02.1980 instead of 07.02.1985.

4. The argument is without substance and cannot be entertained since the petitioner has already accepted his promotion to the post of Assistant vide office order dated 18.04.2025, which is not under challenge. His further promotions as Deputy Superintendent and Superintendent can only be on the basis of his promotion as Assistant which could not have been in the absence of any post.

5. In view thereof, there is no ground to entertain the present petition and it stands dismissed.

28.08.2025
Ad

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No