

2025:PHHC:100570



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

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CM-10261-CWP-2025 in/and
CWP-27444-2019(O & M)
Date of decision: 05.08.2025

Manjit Singh and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Amandeep Saini, Advocate, for the petitioners.
Mr. Swapan Shorey, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. With the consent of learned counsel for the parties, the main case is taken on Board today itself.
2. Prayer made is for quashing the orders dated 13.04.2018 and 31.05.2019, rejecting the claim for promotion of the petitioners.
3. Learned counsel submits that the petitioners were working as Lecturers and due for promotion in 2010, based on seniority, however, certain juniors to them filed CWP-7119-2010, titled as **Darshan Dass and others vs. State of Punjab and Others**, seeking promotion as Principals from the date when their juniors were promoted, which was disposed of on 22.04.2010, directing the department to consider their case, Annexure P-1, consequent thereto, they were promoted, vide order dated 07.05.2012, Annexure P-2. Thereafter, the petitioners filed CWP-10517-2012, which was also disposed of on 29.05.2012, observing therein that in

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case, the plea of the petitioners with regard to their juniors having been promoted is found to be correct, their case would be considered for promotion from the due dates, within a period of four months. The claim, however, came to be rejected, vide order dated 02.08.2012, Annexure P-4, on the ground that the orders by which their juniors, who had filed CWP-7119-2010 were promoted, would not be treated as precedent, the same having been passed under the compelling circumstances of contempt proceedings pending before this Court. The petitioners, however, challenged the said order by filing CWP-19531-2012, which was disposed of after being tagged with 36 other petitions with lead case being CWP-5059-2011, titled as **Harpal Singh vs. State of Punjab and others**, on 27.05.2015, Annexure P-5, based on an affidavit dated 27.05.2015 filed by the respondent-department which had come to a conclusion that the seniority list dated 07.03.2011 required reconsideration keeping in view the judgment in the case of **R.L.Bhagat vs. State of Punjab and others**, 2010(3) SLR 737, as also the Instructions dated 10.10.2014, as there is no consequential seniority to be given to the reserve category candidates and that on the instructions of the learned State counsel, after a final decision is reached by the Government till 30.09.2015 as regards the seniority list dated 07.03.2011, consequential promotions or reversions, if any, shall be effected within a further period of two months. The petitioners, however, in the meantime, stood retired on attaining the age of superannuation in 2012/2013. Thereafter, the fresh seniority list was framed during pendency of COCP-

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1040-2016, whereupon it was disposed of on 24.10.2017, observing that the respondents had to communicate, Annexure P-7, that the matter with regard to promotions in PES Group-A cadre was still under consideration of the Govt. and that in general category, the cases for promotion upto seniority No.1850 had been called and that of the petitioners were at 1267, 1724 and 1768, respectively. However, vide impugned order dated 13.04.2018, Annexure P-8, their claim has been rejected only on account of the fact that they had retired, while Jaswinder Singh at No.1776 has been promoted as Principal on 27.02.2017, being still in service, though junior to them. They yet again approached this Court by filing CWP-21787-2019, which was disposed of on 20.02.2019, Annexure P-9, on the ground that their claim, having been retired from service, survives regarding fixation of notional date of promotion and consequential benefits and a direction was issued to them to submit a representation to be decided, within a period of six weeks. However yet again, the claim has been rejected on the premise of the petitioners having retired and the fresh DPC was conducted after they had superannuated. He makes reference to the judgment of the Division Bench in the case of **State of Punjab and others vs. Jagjit Singh**, 2018(4) SCT 549, referring to para 4 thereof in particular, wherein specifically, it has been considered that the State cannot take undue advantage of their own inaction or wrongs and the petitioners cannot be prejudiced by not considering them for promotion on notional basis for fixation of pension and other retiral benefits, subject to their eligibility as per the seniority in accordance with

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rules, on account of the delay that occurred because of multiple court proceedings and in the meantime, they had retired. Reference is also made to the judgment in **Asha Rani vs. State of Punjab and another**, CWP-13481-2021, decided on 14.02.2024, which was not challenged further. He prays for re-consideration of their claim for promotion, taking into account the aforesaid judgments and submissions, in a time bound manner.

4. The aforesaid facts having been brought out, during the course of hearing, learned State counsel, on instructions, states that the authorities which passed the impugned order(s) would not be averse to having a relook at the matter and decide afresh, taking note of the afore-referred judgments and the petitioners' eligibility and seniority as also the promotions granted to their juniors, within a period of 6 months, uninfluenced by the order(s) impugned in the present case, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner.

5. The aforesaid satisfies the learned counsel for the petitioners.

6. The matter stands disposed of accordingly and if the petitioners are found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to their interest, the same may be passed after granting opportunity of hearing to them and shall contain reasons, whereupon they shall be free to seek legal redress thereupon.

05.08.2025

parveen kumar

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No

(AMAN CHAUDHARY)
JUDGE