

2025:PHHC:166782



226.

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

CWP-26643-2021

Date of decision: 01.12.2025

Daljit Singh

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Nitesh Singla, Advocate, for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. The instant petition has been filed by the petitioner under Articles 226 and 227 of the Constitution of India seeking a writ of certiorari for setting aside the order dated 09.12.2021 (Annexure P-3) whereby his claim for promotion as Junior Assistant and as Senior Assistant with effect from the date his juniors were promoted, has been rejected.

2. Learned counsel for the petitioner submits that the petitioner joined the office of Director, Health and Family Welfare, Punjab, Chandigarh, as Clerk-cum-typist, on 10.07.1989. Thereafter, he submitted an application in January, 1990, seeking his transfer from Head Office cadre to Sub Office and also submitted an affidavit dated 19.01.1990, wherein he submitted that in case his application regarding transfer from Head Office cadre to Sub Office is accepted, then he is ready to leave his

seniority in the Head Office and willing to accept the seniority at the bottom of the seniority of Clerks working in the Sub Office. The said request of the petitioner was accepted and he was transferred from Head Office cadre to Sub Office vide order dated 01.02.1991. Further, clauses 3 and 4 of the said transfer order state that in the Sub Office, the seniority will be fixed as a fresh entrant and he will not get any benefit of the seniority of the previous service of Head Office. In pursuance to the order dated 01.02.1991, the petitioner joined the Sub Office, vide joining report dated 04.02.1991. Thereafter, the petitioner was granted the placement as a Junior Assistant w.e.f. 07.07.2009 and was promoted as Senior Assistant on 31.12.2016 and retired as such on 30.09.2020 from the Sub Office.

3. The grievance of the petitioner in the present writ petition is that he ought to have been promoted as Senior Assistant w.e.f. 07.04.2006 when his junior, namely, Asha Rani, who was appointed as Clerk in the Head Office on 23.08.1989, had been promoted.

4. Learned State counsel has submitted that since the petitioner has already foregone his seniority in the Head Office cadre, therefore, he cannot claim promotion with effect from the date his junior Smt. Asha Rani was promoted. He has further submitted that while the petitioner was in service, he never made any grievance claiming promotion as Senior Assistant w.e.f. 07.04.2006 and it is only after his retirement, he served a legal notice dated 15.07.2021 (Annexure P-1) claiming the above said benefit. Thereafter, he filed CWP No.21430 of 2021 titled as *Daljit Singh*

Versus State of Punjab and others, which was disposed of vide order dated 25.10.2021 (Annexure P-2) with the direction to the respondent-authorities to consider the legal notice dated 15.07.2021 as representation of the petitioner and decide the same in accordance with law by passing a speaking order within a period of one month. In pursuance thereto, the order dated 09.12.2021 (Annexure P-3) was passed, whereby the claim of the petitioner was rejected and it is the said order which has been impugned by the petitioner by way of present writ petition.

5. I have heard learned counsel for the parties and perused the record.

6. The facts are not in dispute that the petitioner joined the Head Office cadre as Clerk-cum-typist on 10.07.1989 and he was placed as Junior Assistant on 07.07.2009 and was promoted as Senior Assistant on 31.12.2016 and retired from service on attaining the age of superannuation on 30.09.2020. It is also not in dispute that while the petitioner was transferred from the Head Office cadre to Sub Office, vide order dated 01.02.1991, his seniority in the Sub Office cadre was fixed at the bottom as the petitioner had forgone his seniority in the Head Office cadre while submitting his application for transfer which was supported by an affidavit dated 19.01.1990 (Annexure R-1). It is also not in dispute that while the petitioner was in service, the petitioner never made any grievance claiming promotion as Senior Assistant w.e.f. 07.04.2006 when Smt. Asha Rani, who was, though junior to him in the Head Office cadre, was promoted.

7. Therefore, once the petitioner voluntarily sought a transfer at his own request and in consequence, relinquished the seniority attached to his erstwhile position, he is estopped from claiming any benefit of the service rendered in the Head Office cadre for the purposes of fixation of seniority or consideration for promotion. Moreover, an employee, who has already attained the age of superannuation cannot, thereafter, claim seniority and promotion.

8. Keeping in view the above facts and circumstances, finding no merit in the present petition, the same is dismissed, with no order as to costs.

(NAMIT KUMAR)
JUDGE

December 01, 2025
sanjeev

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