



CWP-25552-2025

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

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CWP-25552-2025

Date of Decision: 08.09.2025

Amrit Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Ms. Priyanshi Sharma, Advocate for the petitioners

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. On 01.09.2025, this Court passed the following order: -

“The petitioners through instant petition under Article 226 of the Constitution of India are seeking direction to respondent to grant them notional promotion to the rank of Company Commandant w.e.f. December’ 2019.

The petitioners were appointed in December’ 2013 as Platoon Commanders via direct recruitment process. They completed 6 years service and in December’ 2019 became eligible for promotion to the rank of Company Commandant as per Punjab Home Guards and Civil Defence (Field) Class III Service Rules, 1983. Colleagues of the petitioners preferred CWP No.23866 of 2019 before this Court assailing show cause notices issued to them with respect to their promotion. This Court issued notice of motion and vide order dated 02.09.2019 stayed operation of impugned order. On account of interim orders of this Court, the petitioners were not promoted. This Court vide order dated 19.08.2021 passed in aforesaid writ petition permitted the respondent-



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Department to proceed with promotions subject to final outcome of the petition. Following the vacation of stay, the petitioners came to be promoted on 29.11.2021. The respondent on 07.06.2023 initiated proposal to de-reserve three posts of District Commander citing non-availability of SC candidates. The respondent approved aforesaid proposal. This Court vide order dated 12.01.2024 passed in CWP No.23866 of 2019 directed the department to decide seniority matter after granting opportunity of hearing.

Learned State counsel seeks a short accommodation to ascertain whether other officers were retrospectively promoted.

Adjourned to 08.09.2025.”

2. Learned State counsel submits that during 2019, on account of stay order dated 02.09.2019 passed by this Court in *CWP No.23866 of 2019*, no promotion took place. The petitioners are not prejudiced because there is no candidate who was promoted during the said period. The petitioners would be entitled for further promotion on completion of requisite number of years. There is minimum period prescribed for promotion from Platoon Commander to Company Commander and Company Commander to District Commander. Completion of such period makes an officer eligible for promotion, however, does not create substantive right. There is no retrospective promotion of any officer from the post of Platoon Commander to Company Commander.

3. Learned counsel for the petitioners submits that there are many cases where officers have been promoted on higher posts despite not completing minimum requisite years of service. The petitioners were not promoted on account of lapse on the part of respondents. The action of respondents was arbitrary. There was stay by this Court and it is settled



proposition of law that nobody can be made to suffer on account of act of Court.

4. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

5. From the perusal of record, it is evident that this Court vide order dated 02.09.2019 stayed the operation of order impugned in *CWP No.23866 of 2019*. The petitioners were not promoted on account of said interim order. By order dated 19.08.2021, the respondent-Department was permitted to proceed with the promotions subject to final outcome of the petition. As soon as stay was vacated, the petitioners came to be promoted on 29.11.2021. There is nothing on record disclosing that petitioners herein moved an application seeking vacation of stay or at the first available opportunity prayed for direction to respondents to promote them despite pendency of writ petition. The petitioners had completed requisite number of years in 2019 which made them eligible for promotion, however, did not create any substantive right of promotion. There was no meeting of Departmental Promotion Committee ('DPC'), thus, they could not be promoted. As soon as meeting of DPC took place, they were promoted. There is no case on record that respondent have retrospectively promoted anyone. Their further promotion would be considered in accordance with law. Argument of the petitioners that few officers have been promoted without possessing requisite experience could be accepted, had petitioners not been promoted or challenged promotion of others. The petitioners are seeking retrospective promotion which is impermissible in the facts in hand.



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6. In the wake of above discussion and findings, this Court is of the considered opinion that present petition being bereft of merit deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

08.09.2025
Mohit Kumar

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