



127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.28160-2025
Date of Decision:22.09.2025

Kanwaljeet ...Petitioners
vs.
State of Punjab and others ...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Mangesh Goel, Advocate
for the petitioner.

Mr. Surya Kumar, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Article 226/227 of the Constitution of India with a prayer to issue a writ in the nature of mandamus directing the respondents to grant promotion to the petitioner from the due date that is with effect from the year 2014-2016, when his promotion to the post of Assistant Treasurer actually fell due as per the service rules and seniority, along with all consequential benefits instead of 04.08.2025, when he was actually promoted. The petitioner has also prayed that notional increments, arrears of salary, allowances, seniority benefits and interest thereon may also be granted to him with effect from the year 2014-16, instead of 04.08.2025.

2. Learned counsel for the petitioner contends that the petitioner joined his service as a Book Binder with the respondent-department on 31.10.2012. His service conditions were governed by the Punjab Treasuries (State Service Class III) Rules 1988, which lay down the method of

recruitment, qualifications and conditions of service for various posts of Treasury Department. The relevant portion of Rule 6 of the said rules has been reproduced below:-

6.	Assistant Treasurer/ Sub-Treasurer	(1) By Direct appointment-75 per cent	First Class Matriculate or a graduate of a recognized University with Mathematics as one of the subject at the Matriculation Level	Should for at least three years have been handling cash and stamps in a bank or post office or any Government Office
		(2) By promotion from Clerks & Book Binders-25 per cent	Matriculate with mathematics as one of the subject	Should for at least two years have been a clerk or have been a Book Binder.

3. Learned counsel for the petitioner further submits that the petitioner had completed the requisite two years of service as Book Binder by 31.10.2014 and had become eligible for promotion to the post of Assistant Treasurer, as per service rules. The last promotion of Book Binders to the post of Assistant Treasurer took place on 24.12.2014, whereby three Book Binders were promoted. Thereafter, even though the petitioner was eligible and senior, no Book Binder was promoted to the post of Assistant Treasurer for a period of nearly 10 years. He further submits that on getting to know about the number of vacancies of Assistant Treasurer under promotion quota, the petitioner submitted a representation dated 06.09.2019 (Annexure P-3) and requested for consideration of his name for the post of Assistant Treasurer. He also submitted another representation dated 22.06.2020 (Annexure P-4) in this regard. Again, vide order dated 21.09.2023, the respondent-department promoted clerks to the post of District Treasure, however, the Book Binders were wrongly ignored.



Ultimately, the petitioner also submitted a representation dated 28.09.2023 to the respondent-department and brought it to the notice of the department that no vacancy of Assistant Treasurer had been filled by promotion from last nine years, whereas the process of direct recruitment has been initiated by the respondent-department. Ultimately, the petitioner filed CWP No.27157 of 2023 before this Court, seeking directions to the respondents to promote him to the post of Assistant Treasurer. During the pendency of the writ petition, the respondent-department also admitted that the matter was under consideration and assured the Court that the petitioner would be promoted as per the rules and eligibility criteria within a period of six months. Consequently, in view of the assurance given by the State counsel, the petitioner had withdrawn his writ petition. Ultimately, vide order dated 04.08.2025 (Annexure P-11), the petitioner was promoted from the post of Book Binder to Assistant Treasurer in Pay Matrix Level 6. However, he was not granted the benefit with effect from the years 2014-16. Learned counsel further submits that the petitioner was wrongfully denied the promotions and since he has been granted the promotion subsequently through the judicial intervention, he is entitled to promotion with effect from the due date along with all consequential benefits. Apart from that, since the promotion was denied in violation of statutory service rules and was later granted, he is also entitled to notional promotion with effect from the due date with all consequential benefits.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner has already been promoted as Assistant Treasurer w.e.f.



04.08.2025 and he has not been able to show that any employee junior to the petitioner in the cadre of Book Binder had been promoted before him. Simply, because of the fact that the petitioner was eligible for promotion, would not entitle him to be promoted. Even an employee has no right to claim promotion from the date, when he becomes eligible for promotion. Even among other things like seniority, the promotion is subject to availability of vacant seat at next level. Even the petitioner was never ignored, while promoting his juniors. Still further, the petitioner has failed to show that any statutory right of the petitioner was violated and there is no evidence to show that any employee junior to the petitioner in the cadre of Book Binder had been promoted, while ignoring the petitioner.

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

6. In the present case, the conceded position is that the petitioner was appointed as a Book Binder with the respondent-department on 31.10.2012 and as per Rule VI of the Punjab (State Service Class III) Rules 1988, after completing two years of service as a Book Binder, he could be promoted as Assistant Treasurer. However, the mere eligibility for promotion does not confer the right of being promoted, on the petitioner. While making promotions to a higher post, the Government takes into consideration various factors viz. seniority, availability of vacant post at next level, requirement of officials on the promotional posts, etc. In the present case, the petitioner has failed to show that any employee junior to the petitioner in the cadre of Book Binder had been promoted as Assistant Treasurer, while ignoring the petitioner.

7. Thus, there is no merit in the present case and the petition deserves to be dismissed by this Court
8. Dismissed, accordingly.

22.09.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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