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

RSA-2274-2008 (O&M)

Reserved on : 05.05.2026

Date of Pronouncement : 08.05.2026

Date of Uploading : 14.05.2026

Sona Devi

.....Appellant

Vs.

State of Haryana and others

.....Respondents

*Whether only the operative part of the judgment is pronounced?**NO**Whether full judgment is pronounced?**YES***CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present : Ms. Ridhi Bansal, Advocate,
for the appellant.

Mr. Harish Nain, AAG, Haryana,
for the respondents.

SUDEEPTI SHARMA J.

1. The present appeal is preferred against the judgment and decree dated 28.11.2006 passed by learned Additional Civil Judge (Senior Division), Kurukshetra, as well as judgment and decree dated 21.11.2007 passed by learned Additional District Judge, Kurukshetra, whereby civil suit as well as appeal filed by the appellant, were dismissed respectively.

2. Brief facts of the case, as per pleading in the civil suit, are that husband of the appellant was working as Deputy Forest Ranger in the office of Divisional Forest Officer, Production Kurukshetra. He was appointed as Forest Guard on 21.01.1960 and was confirmed as such w.e.f from

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21.01.1993. One Jagdish Chander was appointed as Forest Guard on 05.07.1961 and was confirmed as such w.e.f 05.07.1964. Jagdish Chander was promoted as Forster w.e.f. 01.12.1983. As per gradation list of Forester as on 01.01.1987, as published by Forest Department, Haryana, name of the husband of the appellant was mentioned at serial number 18, whereas name of Jagdish Chander was shown at serial number 317, which shows that Jagdish Chander was junior to the husband of the appellant as Forest Guard as well as Forester. Some Deputy Forest Rangers were promoted to the rank of Forest Ranger, including the juniors of the husband of the appellant on 29.05.1990 and in the gradation list of the Deputy Rangers as stood on 01.01.1997, as per publication by the Forest Department, Haryana, in the remarks column against the husband of the appellant was mentioned as “promoted as Forest Ranger, 29.05.1990, expired on 25.03.1997”, whereas no pensionary benefits of Forest Ranger were given to the family of the husband of the appellant. The name of one Mam Chand is shown at Serial No.96, who was also shown as promoted as Forest Ranger w.e.f. 29.05.1990, and the name of Jagdish Chander was not shown in the gradation list, as he could not be promoted even as Deputy Ranger till that date and lateron, he was promoted to the rank of Deputy Ranger from 01.09.1981 and to the rank of Forest Ranger from 01.02.1986, and both the persons were Junior to the husband of the appellant on the basis of continuous length of service. After the publication of forest gradation list of the Forest Guard by Conservator of the Forest Department Circle dated 15.11.1999, as it stood on 01.11.1966, as



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per directions of this Court, notice was published in Dainik Tribune dated 26.12.1999 for calling objections from the affected/aggrieved persons of the fresh gradation list of Forest Guard. The husband of appellant raised objections and ultimately, civil suit was filed in the year 2004 by widow of Ranghi Singh, seeking decree of declaration to the effect that husband of the appellant namely Ranghi Singh is deemed to be promoted as Forester w.e.f. 01.04.1970, as Deputy Ranger w.e.f. 01.09.1981 and as Forest Ranger w.e.f. 01.02.1986 i.e. from the date his junior Jagdish Chander was promoted, along with decree for mandatory injunction directing the respondents to give all consequential benefits to the family of the appellant. Civil suit filed by appellant was dismissed, vide judgement and decree dated 28.11.2006 passed by learned Additional Civil Judge (Senior Division), Kurukshetra. She preferred appeal against the same, which was also dismissed by learned Additional District Judge, Kurukshetra, vide judgement and decree dated 21.11.2007. Hence, the present appeal.

3. Learned counsel for the appellant contends that both the Courts erred in returning the finding that this Court while deciding CWP-4600-1997, had given a cut-off date of 01.04.1999, whereas, no cut-off date was ever fixed by this Court. In fact, a perusal of the said order reveals that revised seniority list had been prepared w.e.f. 01.11.1996. She further contends that one of the reasons of dismissing the civil suit as well as appeal filed by the appellant is that the suit was time barred without appreciating the fact that Jagdish Chander was granted the benefit of retrospective



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promotion passed in the year 2001, therefore, the cause of action accrued to the appellant in the year 2001 itself. She, therefore, contends that civil suit filed by the appellant was not time barred. She relies upon the judgment passed by Hon'ble the Supreme Court in **Sudha Shrivastava (Smt.) v. Comptroller and Auditor General of India, 1995 INSC 696**; the judgment passed by this Court in **CWP-21603-2016** titled as '**Mithan Lal Gupta Vs. State of Haryana and others**' decided on 09.01.2019 and the judgment passed by High Court of Himachal Pradesh in **CWP-167-2018** titled as '**H.P. Housing & Urban Development Authority Vs. Roop Lal Verma and another**' decided on 26.08.2025 to support her arguments. She, therefore, prays that the appeal be allowed and the judgment and decree dated 28.11.2006 passed by learned Civil Judge (Senior Division), Kurukshetra, as well as, the judgment and decree dated 21.11.2007 passed by learned Additional District Judge, Kurukshetra, be set aside.

4. *Per contra*, learned counsel for the respondents contends that civil suit for promotion was never filed by the husband of the appellant during his lifetime. He further contends that the husband of the appellant expired in the year 1997, whereas the alleged cause of action had arisen in the years 1970, 1981 and 1986. He further contends that even the civil suit filed by the appellant was barred by limitation. He further contends that for seeking promotion, one has to be in the service. He, therefore, prays that the present appeal be dismissed.



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5. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

6. Admittedly, cause of action to file civil suit, as per pleadings arose initially to the husband of the appellant in the year 1970, when the appellant is alleging her husband to be promoted as Forester, thereafter w.e.f. 01.09.1981 when she is alleging her husband to be promoted as Deputy Ranger, and thereafter, w.e.f. 01.02.1986 when her husband was deemed to be promoted as Forest Ranger i.e. from the dates his Junior Jagdish Chander was promoted. In the years 1970, 1981 and 1986, husband of the appellant did not file any civil suit during his lifetime and admittedly, husband of the appellant died on 24.03.1997. Appellant filed civil suit on 19.08.2004 i.e. after 07 years from the date of death of her husband, Rangji Singh, whereas first cause of action arose to the husband of the appellant in the year 1970 itself. Therefore, the civil suit filed by the appellant is highly belated. Jagdish Chander was given benefit of promotion on the basis of judgement dated 02.11.1992 passed by learned Civil Court (Exhibit D-7). The seniority of employees, who were in service on 01.04.1999 was reviewed, as per direction of this Court. The same is mentioned in letter (Exhibit D-2). Exhibit DW1/A is the statement of Shyam Murari, Deputy Superintendent, wherein he has stated that in pursuance of this Court order dated 01.04.1999, department filed affidavit before the Court that it was impossible to review all promotions in accordance with the seniority list w.e.f. 01.11.1996, since the benefits cannot be taken back from those employees who had already



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retired/died before 01.04.1999. This Court accepted the plea of the Government/Department and directed to review all the promotions of all those employees who were in service on 01.04.1999 and since husband of the appellant expired on 24.03.1997, therefore he was not considered. This fact cannot be denied by the appellant. Otherwise also, the appellant filed civil suit on 19.08.2004 and her husband was expired on 24.03.1997, i.e. after 07 years. The appellant in the civil suit is asking for promotion of her husband with effect from the date his junior Jagdish Chander was promoted after his (husband of the appellant) death. There is nothing on record to show that seniority list was ever challenged since Jagdish Chand was promoted on the basis of seniority list only. Further, as per settled law for seeking promotion one has to be in service.

7. Hon'ble the Supreme Court Court in the judgment passed in **Government of West Bengal Vs. Dr Amal Satpathi and others, 2024 INSC 906** held that promotion only becomes effective upon the assumption of duties on the promotional post and not on the date of occurrence of the vacancy or the date of recommendation and respondent superannuated before his promotion was effectuated, therefore, held not entitled to retrospective financial benefits associated to the promotional post since he did not serve in that capacity.

8. So far as judgments referred to by learned counsel for the appellant are concerned, the facts of the present case are distinguishable, since in the present case, the appellant is seeking deemed promotion of her



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husband, who died in the year 1997, by filing a civil suit in the year 2004 i.e. after 07 years. During his lifetime, the husband of the appellant never filed any civil suit for the relief and her wife claimed the same after 07 years of his death.

9. In view of the above, I do not find any merit in the present appeal and the same is hereby **dismissed**. The judgment and decree dated 28.11.2006 passed by learned Additional Civil Judge (Senior Division), Kurukshetra, as well as judgment and decree dated 21.11.2007 passed by learned Additional District Judge, Kurukshetra, are upheld.

10. Parties are left to bear their own costs. Decree sheet be drawn.

11. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

08.05.2026

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No