



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

**CWP-19751-2018 (O&M)
Date of Decision : 05.05.2026**

SAROJ MALIK AND ANOTHERPetitioners

VERSUS

UNION OF INDIA AND OTHERSRespondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Ravinder Malik, Advocate for the petitioners.

Mr. Ramesh Chand Sharma, Advocate
for respondent Nos.2 to 5.

HARSIMRAN SINGH SETHI, J. (Oral)

1. The challenge in the present petition is to the order dated 28.03.2018 (Annexure P-13) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short, 'the Tribunal'), by which the promotion of the junior in preference to the petitioners, who are not eligible as per the Rules, has been upheld.

2. Learned counsel appearing on behalf of the petitioners argues that, as per the Recruitment Rules for promotion to the post of Girls Cadet Instructor-II, a period of service of 05 years in the feeder cadre was required, but as the petitioners did not fulfil the same, juniors to the petitioners, who fulfilled the said requirement, have been granted the benefit of promotion. The same was challenged by the petitioners on the ground that, being senior to the private respondents, the seniors have a preferential right for promotion.

3. Learned counsel for the petitioners further submits that, as per the Instructions issued by the Government of India dated 25.03.1996, in case a junior is promoted in preference to a senior, the senior should also be granted relaxation while considering his/her eligibility. However, such relaxation has not been granted to the petitioners so as to promote the respondent(s), which aspect has not been noticed by the Tribunal while passing the impugned order dated 28.03.2018.

4. We have heard the learned counsel for the petitioners and have gone through the records of the present case with his able assistance.

5. It is a settled principle of law that the eligibility prescribed under the said Rules for seeking promotion have to be fulfilled by a candidate in order to be considered for promotion.

6. It is a conceded case before this Court that, as per the Rules envisaging the eligibility, which includes the condition of 5 years' service in the feeder cadre, the petitioners did not fulfil the eligibility criteria for the post of Girls Cadet Instructor-II. Hence, the promotion of the private respondents, though junior in seniority, has rightly been considered.

7. It may be noticed that respondent No.6 became eligible for the reason is that he/she was appointed in the feeder cadre much prior to the appointment of the petitioners in Goa, but was transferred to the Punjab Directorate by losing seniority. Consequently, the requisite experience as per the Rules was fulfilled by respondent No.6, though placed at the bottom of the seniority. Therefore, while considering eligibility, respondent No.6 was found fit to be promoted in preference to the petitioners, who did not fulfil the condition required for eligibility, and the Tribunal has rightly upheld the said promotion.

8. Learned counsel for the petitioners submits that in case a junior is promoted, then relaxation is to be granted to the senior as per the Instructions dated 25.03.1996, which has not been extended.

9. It may be noticed that such relaxation can only be claimed in case the junior person also gets promotion keeping in view the number of vacancies to be filled up.

10. It cannot be said that a junior, who fulfils all the requisites for promotion, should be ousted from the zone of consideration by granting relaxation to a senior. Such relaxation is available only where the junior is being promoted and subject to filling of the vacancies qua the seniors as well. In the present case, there was only one post to be filled up and only the junior employee fulfilled the requisites for promotion. Therefore, the claim of the petitioners for grant of relaxation cannot be accepted, as acceptance of such a plea would result in ousting an eligible junior from the zone of consideration, which is not the intent of the Instructions providing for relaxation.

11. Keeping in view the above, no ground is made out for interference by this Court in the facts and circumstances of the present case. Hence, the present petition stands dismissed.

12. Pending application(s), if any, shall stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

05-05-2026
Sapna Goyal

(DEEPAK MANCHANDA)
JUDGE

NOTE: Whether speaking/ reasoned: YES
Whether reportable: NO