



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

103

Date of Decision: 20.02.2026

CWP-32331-2024 (O&M)

ISHWAR SINGH

...Petitioner

Versus

INDIAN COUNCIL OF AGRICULTURAL RESEARCH AND ORS

...Respondents

CWP-32333-2024 (O&M)

OM PARKASH

...Petitioner

Versus

INDIAN COUNCIL OF AGRICULTURAL RESEARCH AND ORS

...Respondents

CWP-32334-2024 (O&M)

SURESH KUMAR

...Petitioner

Versus

INDIAN COUNCIL OF AGRICULTURAL RESEARCH AND ORS

...Respondents

CWP-32495-2024 (O&M)

MADAN LAL

...Petitioner

Versus

INDIAN COUNCIL OF AGRICULTURAL RESEARCH AND ORS

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. Anil Kumar Bhardwaj, Advocate,
for the petitioners in all cases.

HARSIMRAN SINGH SETHI, J. (ORAL)

**CM-140-CWP-2026,
CM-142-CWP-2026,
CM-165-CWP-2026 &
CM-188-CWP-2026**



Prayer in the present applications is for recalling of order dated 09.12.2025 by which the writ petitions were dismissed for non-prosecution by a common order.

Keeping in view the averments made in the applications, which are duly supported by an affidavit, order dated 09.12.2025 is recalled and the writ petitions are restored to their original numbers and status.

On the request of learned counsel for the petitioners, the writ petitions are taken on board for consideration.

CMs stand disposed of.

Main cases

1. By this order, we propose to dispose of four writ petitions as the issue involved therein is common. With the consent of learned counsel for the parties, the facts are being taken from CWP-32331-2024.

2. In the present bunch of writ petitions, the challenge is to the order dated 23.04.2024 (Annexure P-1) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'the Tribunal'), by which, the challenge raised by the petitioner was to order dated 14/15/09/2023, by which the order dated 30.08.2012 granting retrospective promotion to petitioner from T-2 category to T-3 category from the year 2001 instead of 2006, was withdrawn, has been upheld.

3.1 Certain facts need to be mentioned for the correct appreciation of the issue in hand. The claim of petitioner qua promotion from category T-2 to T-3 is to be done on the basis of the rules governing the issue. In case the candidate seeking promotion fulfils the requisite qualification stipulated in Rules, then the experience required for promotion to further category is



five years, but in case the candidate does not fulfil the requisite qualification, as envisaged for grant of promotion, such candidates are eligible to seek promotion to T-3 category only after 10 years of experience.

3.2 Before proceeding further, it may be noticed that for promotion to T-3 category as per condition stipulated in the amended Technical Service Rules (hereinafter referred to as 'the Rules') a candidate should have a three-year diploma or bachelor's degree in Science/Agriculture/Animal Sciences/relevant field/Forest Ranger course. In case any of the above mentioned qualification is possessed by a candidate, then after a period of five years, such a candidate can be promoted to further category, otherwise minimum experience required is 10 years for being considered for promotion from T-2 to T-3 category.

3.3 It may be noticed that the petitioner was appointed in T-1 category in the year 1991 and was further promoted to T-2 category in the year 1996. At the time of his appointment, the Old Technical Service Rules, 1975 were applicable. As the petitioner did not have a three-year diploma to his credit, he was only considered eligible for promotion to T-3 category upon completion of 10 years of service and were actually promoted to the said category in the year 2006. No grievance was raised by the petitioner qua non-grant of promotion to T-3 category being eligible under Service Rules upon completion of five year service which they completed in the year 2001, rather he accepted the promotion which was granted in the year 2006 from T-2 to T-3 category.

3.4 Even after promotion to T-3 category in the year 2006, no grievance was raised until a representation for the grant of the said



promotion was filed after a period of six years, which representation was accepted by the Department to hold that keeping in view a vocational course done by the petitioner after 10th examination, he is entitled for promotion to T-3 category upon completion of five years of service and vide order dated 30.08.2012, not only the petitioner was granted retrospective promotion to T-3 category from the year 2001 but thereafter, upon completion of five years, counted from the year 2001, he was further granted promotion to T-4 category as well on the same date, i.e. on 30.08.2012.

3.5 Thereafter, case was reconsidered by the Department that the benefit of retrospective promotion has been granted to the petitioner by treating him eligible for same was incorrect and contrary to the rules governing the promotion to the post of T-3, for which show cause notice was issued to petitioner that as initial promotion to T-3 category was granted to him by considering him under the rules so as to be granted after 10 years experience, which promotion was granted in 2006 hence, by wrongly treating that he has required educational qualification required for promotion to said category after a period of five years i.e. from the year 2001, which was wrongly granted, why the same position from 2006 to T-3 category be not restored.

3.6 Reply to the said show cause notice was filed by the petitioner stating therein that not only they were eligible for said promotion as per academic qualification prescribed, but as they have also been further promoted to T-4 category, no such action causing prejudice to them be taken and they should be allowed to continue with the T-3 promotion w.e.f. the year 2001 onwards.



3.7 After considering all the aspects, the order dated 14/15.09.2023 was passed, granting the petitioner promotion from T-2 to T-3 as originally granted from the year 2006 onwards and consequent promotions to T-4 and to T-5 category were also reviewed.

3.8 The said order dated 14/15.09.2023 was challenged by the petitioner before the Tribunal, which challenge has been negatived by the Tribunal while passing the order dated 23.04.2024 (Annexure P-1), which has been impugned in the present branch of writ petitions.

4.1 Learned counsel appearing on behalf of the petitioners has raised two arguments. First argument is that once there was no misrepresentation on the part of the petitioners so as to attain benefit of promotion to T-3 category, even if it is assumed for the sake of argument that they do not fulfil the requisite qualifications mentioned under the rules for promotion to T-3 category, so as to get promotion after a period of five years but still once the said benefit has been granted to him in 2012, the same cannot be reviewed and the reliance in this regard is being placed upon the benefit granted to certain other employees, namely Chanchal Rani, keeping in mind which aspect, that benefit to a similarly situated employee has been given and upheld upto this Court, the same benefit be extended to petitioner.

4.2 The second argument which has been raised by the learned counsel for the petitioners is that keeping in view the certificate course done by the petitioner, the same has to be treated equivalent to a two-year/three-year diploma and the petitioner is to be treated eligible under the rules so as to be granted promotion to T-3 category upon completion of a



period of five years, which consideration was rightly given to them vide order dated 30.08.2006 and therefore, the Tribunal did not appreciate the facts in the correct perspective so as to decline the relief to the petitioner so as to uphold the order passed by the authorities dated 14/15/09/2023.

5. We have heard the learned counsel for the petitioners and have gone through the record with his able assistance.

6. The last argument is being taken up for consideration first. The argument raised is that the petitioners fulfil the requisite qualification as per the rules so as to be granted promotion after a period of five years to T-3 category i.e. in the year 2001 The qualifications required for grant of promotion in 5 years, which has also been reproduced by the Tribunal, are being reproduced hereunder for the ready reference:-

“Category-III
Essential qualifications

- (i) Three years Diploma/Bachelor's Degree in Science/Agri./Animal Sciences/relevant field/Forest Rangers Course (for CAZRI & CS&WCR & TI)
- (ii) Five years experience of working in relevant field. Minimum experience will be seven years, ten years and twelve years for lateral entry to posts carrying scales of Rs.1100-1600, Rs.1300-1700 and Rs.1500-200, respectively.

7. A bare perusal of the above would show that a three-year diploma or a bachelor's degree in Science/Agri./Animal Sciences/relevant field/Forest Rangers Course is required to be eligible for promotion after an experience of five years on the post of T-2 category. Concededly, the



petitioner does not have a three-year diploma or even a bachelor's degree in the relevant subjects mentioned in the rule. The only qualification which the petitioner has is a vocational education certificate after 12th examination and that too, in crop production. The requisite qualification under the rules for grant of promotion in 05 years is a three-year diploma or a Bachelor's degree from the recognized institute and once, no such qualification is possessed by the petitioner, he cannot be treated as eligible to be considered for promotion from T-2 to T-3 category upon completion of a five year service.

8. Argument is being raised by the learned counsel for the petitioners is that the said vocational educational qualification should be treated equivalent to the diploma/bachelor's degree. Once, even the competent authority i.e. Indian Council of Agriculture Research, Krishi Bhavan, New Delhi, as far back as on 09.01.1997 has refused to acknowledge that a certificate course and that too, on the vocational side, is to be treated as equivalent to a diploma accepting the plea of the petitioner that a vocational course certificate is to be treated as equivalent to the diploma/bachelor's degree required to fulfil the minimum qualification required for promotion from T-2 to T-3 category on completion of five years, cannot be accepted by this Court.

9. Further, learned counsel for the Petitioners has argued that similarly situated candidates have been granted benefit of promotion and same has been upheld upto this Court. The reliance is being placed upon an order passed by the Tribunal in the case of one Chanchal Rani to buttress the claim of promotion from T-2 to T-3 on completion of five year service. It may be noticed that the claim of the petitioners that they are similarly



situated as Chanchal Rani and others, is incorrect. In Chanchal Rani's case, though the claimants therein were having a diploma but same was of different duration, whereas in the present case, petitioner does not have such a diploma to his credit. Rather, the petitioner only has a vocational certificate to his credit. The reliance can only be placed in case on all aspects, the petitioners are similarly situated as Chanchal Rani and others, such fact is missing in the case of petitioner.

10. Learned counsel for the petitioners has not been able to rebut the fact that the benefit of promotion given to Chanchal Rani and others was given after equating the qualification of diploma of two years which they had with three years of diploma/degree, which even otherwise could be done by the Department keeping in view the provisions of rule, wherein such discretion has been explicitly conferred. But no such discretion has been conferred upon the Department to treat a vocational certificate equivalent to a three year diploma or a bachelor's degree required to be eligible for promotion from T-2 to T-3 category on completion of a five years service.

11. A further argument has been raised by the learned counsel for the petitioners that once a decision granting benefit of promotion to petitioner has been taken by the Department and implemented, coupled with the fact that there was no misrepresentation on the part of the petitioners, keeping in view the subsequent promotions, the benefit of retrospective promotion from category T-2 to T-3 from the year 2001 instead of 2006 should have been maintained. In this regard, it may be noticed that any order passed by an authority which is contrary to the rule governing the service will not confer a right upon an employee to claim that such incorrect



order should be allowed to continue to operate so as to be treated as a precedent in all other cases to come. The employees who seek promotion are to show eligibility for the same and only the eligible employees are to be promoted. In case, once the Department has wrongly promoted ineligible candidates and thereafter, tried to rectify the same, the Court has to grant such permission to the Department so as to rectify the mistake made, otherwise it will lead to a conclusion that even illegal promotions granted by Department are bound to be in continuance and such promotions granted incorrectly will be treated as a precedent by the other ineligible candidates to claim the same so as to flout the rules, which have been prescribed by the Department in order to grant promotion. The rules cannot be allowed to be flouted either by the Department or by the candidates. Rather, a writ in the nature of *quo warranto* serves this very purpose that no ineligible person can be allowed to hold a post and in the present case, the petitioner has failed to project that they were eligible to hold the post of T-3 category on completion of 5 years of service especially when they do not fulfil the requirement of the rule governing promotion from T-2 to T-3 category.

12. It may be noticed that though the promotion granted to petitioners has been allowed to be withdrawn but as the promotion was granted by the respondents themselves, any monetary benefits which the petitioners have already received on the basis of such promotion, will not be withdrawn from them and they will be allowed to keep the same.

13. No other argument has been raised.

14. Keeping in view the above, no ground is made out for any interference by this Court in the order dated 23.04.2024 (Annexure P-1)



passed by the Tribunal. The writ petitions are dismissed accordingly.

15. Pending applications, if any, also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

February 20, 2026
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Whether speaking/reasoned	Yes
Whether reportable	No