

CM-6417-CWP-2025 in/and  
CWP No. 23003-2024

2025:PHHC:056372



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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(110+289)

CM-6417-CWP-2025 in/and  
CWP No. 23003-2024  
Date of Decision : 30.04.2025

Sanjay Kumar Katwal

...Petitioner

Versus

The Punjab and Haryana High Court, Chandigarh and others

...Respondents

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

Present: Mr. Mayank Aggarwal, Advocate for the petitioner.

Mr. Avinit Avasthi, Advocate for respondents No. 1 and 2.

Ms. Meenakshi Sharma, Advocate for respondent No. 4.

None for other respondents.

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***Harsimran Singh Sethi J. (Oral)***

1. In the present petition, the grievance of the petitioner is that the petitioner competed for selection/promotion to the post of Reader along with the other eligible candidate as was notified by the High Court in the year 2014.

2. The petitioner competed for the said 13 posts and after the selection of eligible candidates after passing the competitive examination, the name of the petitioner was at Sr. No. 10 in the merit list. The petitioner though was well within the advertised posts to be selected as a Reader in the year 2014 but, the selection of the petitioner to the post of Reader was kept



in abeyance keeping in view the fact that there were some disciplinary proceedings pending against him. The candidates junior to the petitioner were selected/promoted to the said post w.e.f. 22.12.2014.

3. The disciplinary proceedings pending against the petitioner were finalized in the year 2016 and the petitioner was exonerated of the allegations alleged against him in the charge-sheet. Keeping in view the exoneration of the petitioner in the departmental proceedings, the petitioner vide representation dated 20.01.2017 claimed notional promotion to the post of Reader w.e.f. 22.12.2014 in pursuance to his selection against the posts of Reader from the date the candidates lower in merit were promoted.

4. The said representation was considered by the Departmental Promotion and Recruitment Committee in its meeting held on 13.10.2020 and recommended the claim of the petitioner for promotion to the post of Reader w.e.f. 22.12.2014 i.e. the date when the employee junior to petitioner was promoted, to be placed above one Vikram Singla-respondent No. 3, who was below from petitioner in merit list. Keeping in view the recommendations, the petitioner was granted the said promotion to the post of Reader w.e.f. 22.12.2014 vide Notification dated 28.10.2020 (Annexure P-3).

5. As the next promotion from the post of Reader is to the post of Court Secretary and the candidates junior to the petitioner had already been promoted to the post of Court Secretary starting from the year 2017, while the petitioner was agitating for his claim to be promoted as Reader, the claim was raised by the petitioner by filing representation dated 01.03.2021



(Annexure P-4) for promotion to the post of Court Secretary with effect from the date candidate junior to the petitioner was promoted.

6. In the meantime, the employees junior to petitioner had been further promoted to the post of Special Secretaries (Reader Line) vide Notification dated 06.01.2021 (Annexure P-7), which claim to be promoted to the said post was also raised by the petitioner.

7. Rather than granting the petitioner promotion to the post of Court Secretary from 24.12.2017 from which date employees junior to petitioner were promoted, the benefit of the said promotion was granted to the petitioner prospectively from 10.01.2020. The further promotion to the post of Special Secretary has been granted to petitioner on 08.08.2024 vide Notification dated 09.08.2024 (Annexure P-19).

8. The grievance of the petitioner in the present petition is that once the petitioner has been granted the retrospective appointment to the post of Reader above Vikram Singla-respondent No. 3 from 22.12.2014, the consequent promotions should also be granted with effect from the date the same has been granted to respondent No. 3-Vikram Singla, who is an employee junior to petitioner.

9. Learned counsel for the petitioner submits that the similar relief as being claimed by the petitioner has already been granted to one Nand Lal, whose promotion was also initially withheld on the same ground as that of petitioner but was ultimately granted the said benefit of retrospective promotion keeping in view the judgment of this Court in CWP No. 17111 of 2013, decided on 02.08.2017, wherein, Nand Lal has been granted

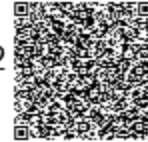


retrospective promotion to the post of Reader, Court Secretary as well as Special Secretary from the date employees junior to him was granted. The prayer of the petitioner is that the petitioner should also be granted the following promotion to the post of Court Secretary as well as Special Secretary with effect from the date employee junior to the petitioner, namely, respondent No. 3-Vikram Singla, has been granted with all consequential benefits.

10. Upon notice of motion, the respondents have appeared and the High Court has filed the reply. Though, the junior personnel over and above whom the petitioner is seeking promotion, have been impleaded as respondents No. 3 to 11 but despite service, no one has put in appearance to object to the claim of the petitioner as has been raised in the present petition.

11. Learned counsel appearing on behalf of the respondent-High Court submits that though, it is a matter of fact that the petitioner competed in the examination for one of the 13 posts of Reader in the year 2014 and was eligible to be in merit list keeping in view the advertised posts but as departmental proceedings were pending against the petitioner, his name for promotion to the post of 'Reader' was kept in abeyance and employees junior to him were promoted to the said post w.e.f. 22.12.2014.

12. Learned counsel for the respondent-High Court further submits that upon exoneration of the petitioner from the departmental proceedings, the petitioner was granted promotion to post of Reader from the date the employee junior to him was promoted as Reader i.e. from 22.12.2014.



13. Learned counsel for the respondent-High Court submits that the claim of the petitioner for further promotion has been considered and though, the same has been granted but the same has been granted from prospective effect and not from the date the employee junior to him has been promoted.

14. Learned counsel for the respondent-High Court further submits that as and when the claim qua the retrospective promotion was raised by the petitioner for further promotion, the same has been considered and the petitioner has been granted promotion and once, the petitioner was granted promotion to the post of Court Secretary from the year 2020, his following promotion to the post of Special Secretary could only be granted only after he had experience of three years which the petitioner attained in the year 2023 and, therefore, he has rightly been granted further promotion to the post of Special Secretary (Reader Line) from the year 2024 hence, no grievance can be raised by the petitioner in this regard.

15. I have heard learned counsel for the parties and have gone through the record with their able assistance.

16. The petitioner competed for the examination qua promotion to the post of Reader in pursuance to the Notification of 13 posts in the year 2014. Concededly, the petitioner was within merit list qua the said 13 posts to be appointed as a Reader but due to the pendency of disciplinary proceedings against him, his claim qua promotion to the post of Reader was withheld. Later on, the petitioner was exonerated from the said allegations alleged against him qua promotion to the post of Reader and his claim for promotion to the post of Reader was considered by the Departmental



Promotion and Recruitment Committee and on the recommendations of the said Departmental Promotion and Recruitment Committee which was accepted by Hon'ble The Chief Justice vide Notification dated 28.10.2020, the petitioner was promoted as Reader with effect from the date candidates lower in merit were appointed i.e. 22.12.2014.

17. Once, the said benefit was extended to the petitioner and by the time the said benefit had been extended to the petitioner, the candidate lower in merit, namely, Vikram Singla-respondent No. 3 had further been promoted to the post of as Court Secretary in the year 2017 and thereafter, as a Special Secretary (Reader Line) in the year 2022; the respondents were under obligation to grant the petitioner the said benefit also and that too from the time, when employees junior to him were promoted. It cannot be said that once, the petitioner was granted the benefit of promotion to the post of Reader from the date junior was promoted in the Cadre of Reader while in the meantime the employee junior to petitioner had already been further promoted to the post of Court Secretary as well as Special Secretary (Reader Line) by the date the grant of benefit of retrospective promotion as Reader was bestowed upon the petitioner, it was incumbent upon the respondent-authorities to grant the petitioner the said benefit of further promotion from the date junior employee has been promoted. Though, the benefit has been granted to the petitioner for further promotion to the post of Court Secretary as well as Special Secretary (Reader Line) but the same has only been granted prospectively without consideration of the petitioner's claim for



promotion to the said posts with effect from the date his junior was promoted.

18. The grant of retrospective promotion to the post of Reader with effect from the date the junior was promoted, which has been granted to petitioner by the respondent-authorities themselves, the further claim of petitioner qua the retrospective promotion to the said posts was also required to be considered on the same analogy which has not been done.

19. Further, there were two candidates who were claiming the same benefit of retrospective promotion, i.e. the petitioner as well as one Nand Lal. Nand Lal had approached this Court by filing CWP No. 17111 of 2013 which was decided in his favour so as to grant him promotion with effect from the date the employee juniors to him were promoted. Said Nand Lal has been granted following promotion to the post of Court Secretary as well as Special Secretary (Reader Line) from the date the employee junior to him has been promoted.

20. Once, in the case of Nand Lal the benefit qua retrospective promotion which is being claimed by the petitioner has been extended to him, no valid justification has come before this Court to deny the petitioner the same benefit, especially when no differential fact between the petitioner and Nand Lal has been pointed out by the respondents except the fact that Nand Lal was claiming promotion in respect of the selection process which was done in the year 2012 whereas, the petitioner was claiming the same benefit in respect of the selection process which was commenced in the year 2014. Qua this, it should be noted that the facts are to be seen not the year



of selection. Once, the benefit qua promotion has been extended in favour of Nand Lal on the similar analogy and when there is no differentiating factor between the petitioner and Nand Lal which could allow for giving them different benefits and Nand Lal has been granted benefit of retrospective promotion to the post of Court Secretary and Special Secretary (Reader Line) on the direction of this Court, the petitioner also becomes entitled for the same benefit.

21. Keeping in view the above, the present petition is allowed. The High Court is directed to consider the claim of the petitioner for promotion to the post of Court Secretary and then to the Special Secretary (Reader Line) with effect from the date the candidate lower in merit, namely, Vikram Singla-respondent No. 3, in the Cadre of Reader was promoted. Let the said exercise be completed within a period of four weeks of the receipt of copy of this order. In case, the petitioner is found entitled for promotion with retrospective effect, the same will be granted on notional benefit and not the arrears.

22. Petition is allowed in above terms.

23. Pending miscellaneous application, if any, also stands disposed of.

**April 30, 2025**  
*kanchan*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned : Yes*

*Whether reportable : No*