



CWP-21231-2017 &  
CWP-15293-2018

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

215 (2 cases)

CWP-21231-2017  
Date of Decision :09.04.2025

Nirbhai Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CWP-15293-2018

Anil Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present: Ms. Monika Sharma, Advocate for the petitioner(s).  
in both the petitions.

Ms. Akshita Chauhan, DAG, Punjab.

\* \* \*

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

1. In the present set of two petitions, the grievance being raised by the petitioners is that the petitioners are entitled for the grant of benefit of promotion to the post of Junior Engineer.

2. Learned counsel for the petitioners submits that the promotional post had become available while the petitioners were in service



CWP-21231-2017 &  
CWP-15293-2018

-2-

and therefore, keeping in view the availability of promotional post at the time they were in service, the petitioners should be promoted to the post of Junior Engineer.

3. Upon notice of motion, the respondents have filed reply wherein, it has been stated that no promotion of any junior to the petitioners qua the said post was made up to the date the petitioners were in service. Learned counsel for the respondents submits that merely that the post was lying vacant when the petitioners were in service, is no ground to grant the benefit of promotion to the petitioners to the post of Junior Engineer.

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

5. The claim of the petitioner is for the grant of promotion merely on the ground that the said post was lying vacant at time of their service cannot be accepted. No right exists to claim promotion qua said post as a matter of right. Only the consideration for promotion can be claimed.

6. As per the settled principle of law settled by the Hon'ble Supreme Court of India in **Civil Appeal having diary No.43488 of 2023, titled as Government of West Bengal and others vs. Dr. Amal Satpathi and others, decided on 27.11.2024**, no promotion can be granted after the retirement with retrospective effect especially when no junior has been promoted. Relevant paragraph of the said judgment is as under:-

“21. While we recognize respondent No.1's right to be considered for promotion, which is a fundamental right under Articles 14 and 16(1) of the Constitution of India, he does not hold an absolute right to the promotion itself. The legal precedents discussed above establish



**CWP-21231-2017 &  
CWP-15293-2018**

**-3-**

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. Considering that respondent No. 1 superannuated before his promotion was effectuated, he is not entitled to retrospective financial benefits associated to the promotional post of Chief Scientific Officer, as he did not serve in that capacity.”

7. The present writ petitions have been filed by the petitioners after retirement from their service, therefore, claiming the benefit of promotion with retrospective effect cannot be accepted.

8. Keeping in view the facts and circumstances as well as settled principle of law noticed hereinbefore, as no junior to the petitioners had been promoted to said post while the petitioners were in service, no ground for interference by this Court is made out and the writ petitions are accordingly dismissed.

9. A photocopy of this order be placed on the files of connected case.

**April 09, 2025**  
*aarti*

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

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



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**April 09, 2025**  
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**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

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