



CWP-9975-2025

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**141 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP-9975-2025****Date of Decision:07.04.2025****KANWALJEET SINGH**

..... Petitioner

*Versus***STATE OF HARYANA AND ORS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Vaneet Kumar Sharma, Advocate
for the petitioner (Through V.C).

Ms. Rajni Gupta, Addl. AG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to grant him seniority and promotion to the post of Inspector w.e.f. 01.08.2008.

2. The petitioner joined Haryana Police Force as ASI on 12.07.1999. He was promoted to the rank of Sub-Inspector w.e.f. 30.07.2003. He completed 5 years service as Sub-Inspector on 30.07.2008. He was eligible for promotion to the rank of Inspector in terms of Rule 13.14 of Punjab Police Rules, 1934 (as applicable to State of Haryana) (for short, 'PPR'). The respondent made direct recruitment of Inspectors on 01.08.2008. The respondent considered Sub-Inspectors for promotion who had completed 5 years service on 30.06.2008 and petitioner completed 5 years service as Sub-Inspector on 30.07.2008, thus, he was not considered for promotion. He was considered in subsequent Departmental Promotion Committee (for short 'DPC') which considered 30.11.2008 as cut off date. He came to be promoted w.e.f. 29.01.2009. The direct recruitees became his seniors.



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3. Mr. Vaneet Kumar Sharma, Advocate for the petitioner submits that there was lapse on the part of respondent in conducting DPC and promoting petitioner and similarly situated officers. The petitioner became eligible for promotion on 30.07.2008 and direct recruits joined on 01.08.2008.

4. From the perusal of record, it is evident that petitioner was promoted as Inspector w.e.f. 29.01.2009 and directly recruited Inspectors joined w.e.f. 01.08.2008. The petitioner remained silent for about 10 years and served notice upon respondent dated 06.07.2018 which was followed by subsequent representations.

In terms of Rule 13.14 of PPR, petitioner became eligible for promotion, however, he was neither considered for promotion nor actually promoted. Mere eligibility does not make an officer entitled to higher post. Promotion is part of conditions of service but it is not an absolute or fundamental right. The DPC considered 30.06.2008 as cut off date and by the said date, petitioner had not completed 5 years service as Sub-Inspector, thus, he was not promoted w.e.f. 01.08.2008. Promotion and direct appointment is a continuous process. Officers already working in department cannot steal a march on direct recruits on the sole ground that by the date of direct recruitment, they had already become eligible for the promotion.

5. In the backdrop, this Court finds that present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

07.04.2025

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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No