



227-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-1216-2021(O&M)

Date of Decision: 5th of March, 2025

DALJIT SINGH

.....Appellant (s)

V/s.

FOOD CORPORATION OF INDIA AND OTHERS

.....Respondent(s)

CORAM: **HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Deepak Kundu, Advocate
for the appellant.

Mr. K. K. Gupta, Advocate
for the respondents.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The present LPA is preferred assailing order dated 27.01.2020 passed by the learned Single Bench has dismissed CWP-19369-2015 filed by the appellant (writ petitioner therein) whereby the claim of the appellant for grant of seniority over and above his juniors has been denied.

2. In LPA-374-2020 titled as **Food Corporation Of India And Another** V/s. **Surinder Singh Taxak And Others**, decided by us today itself, we have taken the similar view as taken by the learned Single Bench in the present case.

3. It would be apposite to quote the view taken by us in LPA-374-2020:-

“11. We find that respondent No.1 has been considered for promotion and has also been awarded promotion subsequently on the post of Deputy General Manager, however, a question



arises whether promotion can said to be retrospective and from the date his juniors were promoted. In our opinion and in view of the nature of punishment awarded to respondent No.1, it is apparent that w.e.f. 2009 till awarding of the punishment, he was not entitled for promotion as he has been ultimately held guilty in the departmental proceedings. Thus, the sealed cover could not have been opened in his favor. The private respondents were promoted in the year 2009. So far as the drawing of seniority is concerned, it has to be based on the year of empanelment of promotion. Since, the respondent No.1 was empanelled in promotion order w.e.f. 2012, which of course is not under challenge, whereas his juniors have been promoted in the year 2009, therefore, granting him seniority over and above them, would render the entire exercise of awarding of punishment to respondent No.1 as meaningless.

*In view of the aforesaid, the order of learned Single Bench is therefore, not sustainable and we accordingly set aside the order dated 22.11.2019. The appeal is accordingly **allowed.***”

4. We find that the learned Single Bench has also taken a similar view in the impugned judgment that the appellant cannot get the promotion retrospectively. The relevant extract of the order is reproduced as under:-

“The principal fact remains that promotion of the petitioner stood delayed owing to the punishment imposed upon him and during the currency of the said punishment, his eligibility for further promotion stood suspended. He therefore cannot seek to be placed on par with his juniors who were



promoted earlier owing to this. The prayer of the petitioner to grant him retrospective promotion therefore cannot be countenanced.”

5. We, therefore, agree with the impugned judgment passed by the learned Single Bench and the same does not warrant any interference. The LPA is accordingly **dismissed**.

6. No costs.

7. All pending applications in this case are disposed of accordingly.

[SANJEEV PRAKASH SHARMA]
JUDGE

[MEENAKSHI I. MEHTA]
JUDGE

March 5, 2025

Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>