



**CM-13717-CWP-2025 in/and
CWP-3628-2009**

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

(101)

**CM-13717-CWP-2025 in/and
CWP-3628-2009
Date of Decision : September 17, 2025**

Ritu Jain

.. Petitioner

Versus

Union of India and others

.. Respondents

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

Present: Mr. Rajiv Atma Ram, Senior Advocate, with
Mr. Arjun Pratap Atma Ram, Advocate, for the petitioner.

Ms. Jyoti Chaudhary, Senior Panel Counsel,
for respondent-Union of India.

None for the respondents No. 2 and 3

HARSIMRAN SINGH SETHI J. (ORAL)

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Present application has been filed for fixing the main writ petition at an early actual date.

Notice of the application to the counsel opposite.

Ms. Jyoti Chaudhary, Advocate, who is present in the Court, accepts notice on behalf of the respondent-UOI. She raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed and on the joint request of learned counsel for the parties, the main writ petition is taken up for hearing today itself.



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1. In the present writ petition, the challenge is to the order dated 03.10.2008 (Annexure P-5) by which, the claim of the petitioner herein for promotion to the post of Deputy District Attorney (DDA) w.e.f. the date she attained eligibility i.e. 2004 has been declined.

2. Certain facts may be noticed for the correct appreciation of the issue in hand.

3. As per the notification issued by the Chandigarh Administration dated 13.01.1992, qua the employees of the Chandigarh Administration, the Rules for recruitment to the post of DDA, which are applicable in the State of Punjab to the corresponding posts will be made applicable even qua the employees of the Chandigarh Administration. By keeping the said fact, the issue raised in the present petition is to be decided.

4. It is a conceded fact that the petitioner was selected as 'Assistant District Attorney' in February, 1999 by way of direct recruitment. The further promotion to the post of DDA is governed by the Punjab Prosecution and Litigation (Group A) Service Rules, 2002 (hereinafter referred to as '2002 Rules'). As per the said '2002 Rules', which have been appended in the writ petition, 75% posts are reserved for appointment by way of Promotion and the same be appointed from amongst the 'Assistant District Attorney', who have minimum period of five years experience.

5. Before proceeding further, it may be noticed that as the post of DDA is to be filled on the basis of seniority-cum-merit and the Rules envisaged that nobody can claim promotion solely on the basis of seniority, the State of Punjab had issued instructions as to how, the merit of a candidate, who is seeking promotion to the Group-A post, is to be evaluated and a minimum



benchmark is prescribed so as to be declared fit for promotion to a Group A post. The relevant portion of the instructions dated 06.09.2001 reads as under:-

“(2) for promotion to posts falling in Group ‘A’ other than Head of Departments, the minimum bench mark will be Very good with least 12 marks. Amongst those meetings this criteria, there would be no super session.”

It is a conceded fact before this Court that the said instructions have already been upheld by the competent Court of law, which are to be applied for promotion to the post of Deputy District Attorney, which is Group-A post so as to obtain the minimum benchmark of Very Good qua the Annual Confidential Report.

6. After going through the judgment passed by the Tribunal, it transpires that even on the date when the promotion is being claimed by the petitioner, she did not fulfill the criteria of minimum benchmark of ‘Very Good’, which fact has gone un-rebutted even during the hearing before this Court.

7. The case of the petitioner along with other eligible candidates was considered by the Departmental Promotion Committee and since, the petitioner does not possess or fulfilled the minimum benchmark from the date when she is claiming promotion, the denial of the said promotion by the Tribunal cannot be treated as arbitrary or illegal or perverse to the facts or the settled principle of law.

8. Even otherwise, it may be noticed that the promotion cannot be claimed as a matter of right and only the consideration can be. The claim of the petitioner for promotion from the year 2004 was only raised by the petitioner by filing the Original Application in the year 2007. Further, the claim as per



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Section 21 of the Administrative Tribunal Act, 1985 can only be raised within a period of one year of the cause of action having been accrued. Even on the said proposition of law, the filing of the original application after a period of three years could not have been maintained though, the same has been ignored by the Tribunal. As per Section 21 of the 1985 Act even original application of the petitioner was not maintainable but still despite said impediment, the claim of the petitioner is is arbitrarily denied on merits.

9. Further, nothing has come on record that the petitioner was superseded from his own cadre for promotion to the post of Deputy District Attorney. No one had been promoted by superseding the petitioner even in the year 2004. Only the employees were brought on deputation to fill the said post, which led to the filing of the original application at the hands of the petitioner.

10. Further, during the pendency of the present petition, the petitioner has already been promoted the post of Deputy District Attorney though from the year 2014 when she fulfilled all the requisite eligibility conditions.

11. At this stage, learned counsel for the petitioner submits that thereafter, certain promotions were made where juniors were promoted.

12. It may be noticed that the said claim has never been raised by the petitioner before any appropriate forum. The Court does not know as to under what circumstances the juniors were promoted as their promotion is not under challenge before this Court qua no such fact exists before the Court in that petition.

13. The argument of the learned Senior Counsel for the petitioners is that once '2002 Rules' were framed, the instructions dated 06.09.2001, will not be made applicable.



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14. It may be noticed that '2002 Rules' only prescribed the eligibility qualification with regard to the promotion to the next higher post whereas, instructions dated 06.09.2001 operate in a totally different field as to how, the relative merit of the candidates are to be adjudged for promotion to a Group A post to obtain minimum benchmark so as to be declared fit hence, merely that after the instructions dated 06.09.2001, '2002 Rules' were framed, the instructions dated 06.09.2001 will not be applicable, cannot be accepted.

15. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

16. Accordingly, the writ petition is dismissed.

17. Pending civil misc. applications, if any, stand disposed of.

**(HARSIMRAN SINGH SETHI)
JUDGE**

September 17, 2025
harsha

**(VIKAS SURI)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No