



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

**Date of Decision: 28.08.2025**

**226 (3 cases)**

**CWP-17323-2022**

STATE OF HARYANA

...Petitioner

Versus

BALBIR SINGN KHOKHA AND ORS

...Respondents

**CWP-17325-2022**

STATE OF HARYANA

...Petitioner

Versus

ATYAVIR SINGH SHEORAN AND ORS

...Respondents

**CWP-17326-2022**

STATE OF HARYANA

...Petitioner

Versus

RAJESH KUMAR GULIA

...Respondent

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

Present:- Mr. Saurabh Girdhar, AAG, Haryana.

Ms. Alka Chatrath, Advocate with  
Mr. Yuvraj Dhananjaya, Advocate for UPSC.

Mr. Mohinder S. Nain, Advocate with  
Mr. Anurag Arora, Advocate and  
Mr. Abhishek Rawal, Advocate for  
for respondent No.1 in CWP-17325-2022 &  
for respondent Nos.1 to 4 in CWP-17326-2022.

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**HARSIMRAN SINGH SETHI, J. (ORAL)**

1. In the present bunch of writ petitions, the challenge is made by the State of Haryana to an order dated 09.07.2020 passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'Tribunal') by which consequential benefits of salary have been granted to respondents in consequence to the respondents the promotion from HFS to IFS with retrospective effect.

2. Learned counsel appearing on behalf of the petitioners submits that the respondents had already retired from the service but thereafter, were found entitled for promotion to the post of Indian Forest Services with retrospective effect and the same has been granted by the Tribunal vide impugned order but while granting the said benefit, the State of Haryana has been further directed to give even the actual financial benefits of salary of the higher post, rather than just granting the said promotion on notional basis which should have been the case. Learned counsel argues that the said question of law has already been decided by the Hon'ble Supreme Court of India while deciding Civil Appeal No.13187 of 2024, titled as *Government of West Bengal and others vs. Dr. Amal Satpathi and others*, decided on 27.11.2024.

3. Learned counsel appearing on behalf of the respondent-employees submits that similar benefit of granting all the arrears were given to one Malkiat Singh, which judgment dated 29.10.2018 was relied upon by the Tribunal while granting the retrospective promotion to the respondents hence, once similarly situated employee Malkiat Singh has been granted the said benefit, the grant of the same by the Tribunal in favour of the



respondents cannot be treated as arbitrary and illegal, as all the similarly situated employees are to be treated in the same manner.

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

5. It is a conceded fact that by the time, the retrospective promotion was granted, the respondents had already retired from service and they had not performed any duties of Indian Forest Services, though the retrospective promotion to the post of IFS from a date prior to the date of their superannuation has been granted. Once no work has been performed by the respondents qua the higher post at any given point of time, whether the actual salary and other benefits concerning the said higher post could have been granted by the Tribunal while granting the benefit of retrospective promotion, is the question posed before this Court.

6. The said question is no longer *res integra* in view of the judgment in *Dr. Amal Satpathi's* case (supra). The Hon'ble Supreme Court of India has held that where a person has superannuated from his/her service prior to the date the promotion to higher post was granted with retrospective effect, the financial benefit associated with the said promotional post is not to be given actually, rather only the notional benefit has to be given to such a person. The relevant para 21 of the judgment in *Dr. Amal Satpathi's* case (supra) 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 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. Learned counsel for the respondents has not been able to dispute the said proposition of law, which squarely covers the facts of the present case as well.

8. The only argument raised by the learned counsel for the respondents is that one similarly situated employee Malkiat Singh was granted the promotion to post of IFS with all the consequential benefits. It may be noticed that once the law on the subject has been settled by the Hon’ble Supreme Court of India thereafter, the same has to be made applicable. Any benefit granted at a prior point of time cannot be brought into operation to claim the same and that too, which is conflict with the settled principle of law settled by the competent Court of law thereafter.

9. Keeping in view the totality of the circumstances, though the benefit of retrospective promotion related to the respondents is upheld, it is directed that they will be granted only the notional benefits for all intents and purposes from the date of their retrospective promotion but no actual benefits will granted to them upto the date of the passing of the order by the Tribunal, as per settled principle of law.

10. Learned counsel for the respondents submits that some of the



benefits admissible to respondents are yet to be given though the same is being disputed by the learned counsel for the petitioner. It is directed that in case any benefit admissible to the respondents has not been given to them, in case a representation is filed by the respondents with the petitioners to claim the same, the said representation be decided by the petitioners within a period of eight weeks by passing an appropriate speaking order and the same be conveyed to the respondents.

11. The writ petitions stand disposed of accordingly.
12. Photocopy of this order be placed on the files of connected cases.

( HARSIMRAN SINGH SETHI )  
JUDGE

( VIKAS SURI )  
JUDGE

**August 28, 2025**  
*harish*

Whether speaking/reasoned	Yes
Whether reportable	No