

LPA-3131-2024 (O&M)

2025:PHHC:018913-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-3131-2024 (O&M)

Date of decision: 06.02.2025

AMARJIT SINGH

Versus

..... Petitioner(s)

STATE OF PUNJAB AND ANOTHER

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Aman Bansal, Advocate
for appellant.

Mr. Deepak Grewal, Senior DAG, Punjab.

LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 17.09.2024, passed by learned Single Bench whereby CWP-15998-2024, filed by present appellant-writ petitioner alongwith another writ petition was dismissed.

2. Brief facts necessary for adjudication of this appeal are that appellant-writ petitioner filed CWP-15998-2024 seeking setting aside of order dated 18.04.2022 (Annexure P-7) and 29.04.2022 (Annexure P-6), whereby his claim to promotion to the post of Deputy Superintendent of Police with effect from the date of promotion of his juniors, was rejected. Appellant-writ petitioner also sought setting aside of orders dated 15.12.2023 (Annexue P-11) and 06.10.2023 (Annexure P-9) whereby his claim for deemed promotion on the said post was rejected on the ground that he has retired from service.

3. Appellant-writ petitioner, it is pleaded, was enlisted as Constable with Punjab Police on 24.11.1971. He was subsequently promoted to the rank of Head Constable, Assistant Sub Inspector and Sub Inspector as local rank. He

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retired from service as Sub Inspector on 31.01.2009. Seniority of the police personnel in different ranks was re-fixed by the office of Director General of Police, Punjab, Chandigarh, in compliance of orders passed by this High Court in some proceedings initiated by other employees. Writ petitioner was subsequently given revised date of promotion to the rank of Head Constable w.e.f. 27.07.1979, revised date of promotion as Assistant Sub Inspector w.e.f. 01.09.1989 and promotion in the rank of Sub Inspector w.e.f. 08.10.1989. He was also given deemed date of list 'F' (Inspector) w.e.f. 14.11.2002. Final seniority list of Inspectors, in compliance of order dated 16.09.2014, passed in CWP-4829-2011, it is submitted, was circulated on 22.01.2018. Case set up by appellant-writ petitioner is that pursuant to abovesaid events, he is entitled to deemed promotion to the post of DSP w.e.f. 30.08.2006 as the said promotion has been given to his juniors.

4. Learned Single Bench, on considering the facts and circumstances of the case, dismissed the writ petition while observing that as per revised seniority list, petitioner would have completed six years of service as Inspector on 14.11.2008 and gained eligibility to the post of DSP, but he admittedly retired on 31.01.2009 and no Departmental Promotion Committee proceedings were held between November, 2008 to January 2009 and that eligibility for the post of DSP by itself does not create or vest the employee with any right for promotion to the higher post. Aggrieved therefrom, present appeal has been filed.

5. Learned counsel for appellant vehemently argues that appellant has been subjected to grave discrimination. Once, he was eligible for promotion to the post of DSP in the year 2008, he cannot be put to prejudice only on account of DPC not being held till his retirement. Therefore, benefit of deemed promotion should be given to the appellant. It is thus prayed that this appeal be allowed,

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impugned order dated 17.09.2024, passed by learned Single Bench be set aside and writ petition be allowed as prayed for.

6. Learned counsel for respondent-State, who is on advance notice, has opposed the appeal while submitting that appellant-writ petitioner has admittedly retired on 31.01.2009. He never raised such a claim earlier and for the first time, CWP-15998-2024 was filed in March, 2024. It is, thus prayed that this appeal be dismissed being devoid of any merit.

7. We have heard learned counsel for the parties and have perused the file carefully. However, we do not find any ground whatsoever to cause interference in this matter.

8. It is a matter of record that appellant having joined the respondent-Department as Constable on 24.11.1971, retired on 31.01.2009 while serving on the post of Sub Inspector, on attaining the age of superannuation. Admittedly, at no point of time appellant ever agitated his claim for promotion prior to the time when it was actually afforded to him. He peacefully retired from service at the post of Sub Inspector on 31.01.2009. Re-fixation of seniority was carried out by the office of Deputy General of Police, Punjab, Chandigarh, in terms of orders passed by this Court in writ petition filed by other employees of the same cadre, agitating their rights. Benefit thereof was afforded to present appellant as well and he was even afforded benefit of deemed date of list 'F', w.e.f. 14.11.2002. It is further to be noted that after issuance of revised seniority list on 22.01.2018, appellant did not take any steps and for the first time filed a representation - Annexure P-3, in October, 2021, which in our considered opinion has been correctly rejected by the authorities. It is a settled position that eligibility for promotion does not vest an employee with a right to promotion itself. It is only a right for consideration that accrues to the employee. Gainful reference in this

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respect can be made to judgment of Hon'ble the Supreme Court in ***Government of West Bengal and others Vs. Dr. Amal Satpathi and others, 2025(1) SLJ 81***. It is, thus, correctly held that appellant would have completed six years of service as Inspector on 14.11.2008 and gained eligibility to the post of DSP but he admittedly retired on 31.01.2009 and DPC proceedings were not held between November, 2008 to January, 2009. Accordingly, we do not find any ground whatsoever to cause interference in this matter.

9. No other argument has been addressed.

10. Learned counsel for appellant is indeed unable to point out any illegality, infirmity or perversity in the impugned order dated 17.09.2024, passed by learned Single Bench, which calls for interference by this Court in this appeal.

11. Accordingly, this appeal is dismissed with no order as to costs.

(LISA GILL)
JUDGE

(ALOK JAIN)
JUDGE

06.02.2025
Sunil

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