



2026:CGHC:10636



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AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1141 of 2025

1. Vinod Sharma S/o Late Shri Banshilal Sharma Aged About 62 Years Retired Revenue Officer, R/o Mahamaya Vihar, Ware House Road, P.S. Civil Line, Bilaspur District Bilaspur Chhattisgarh

... Petitioner

versus

1. State of Chhattisgarh Through Secretary, Department of Urban Administration And Development, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District Raipur Chhattisgarh
2. Director Directorate Of Urban Administration And Development Department Raipur, District Raipur Chhattisgarh
3. Commissioner Municipal Corporation Bilaspur District Bilaspur Chhattisgarh

... Respondents

For Petitioner	: Mr. Vinod Kumar Sharma, Advocate
For Respondent No.1 and 2	: Mr. Vivek Verma, Govt. Advocate
For Respondent No.3	: Mr. Pankaj Agrawal, Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

28/2/2026

1. Petitioner has filed this petition seeking following reliefs:-



- “(I) That, this Hon’ble Court may kindly be pleased to quash the impugned order dated 03.12.2024 Annexure P-1, in the interest of justice.
- (ii) That, this Hon’ble Court may kindly be pleased to direct the respondent authorities to consider the claim of petitioner and to grant promotion on the post of Revenue Officer from the date of recommendation 07.02.2022 with all consequential benefit with interest of 18% within stipulated period, in the interest of justice.
- (ii) Any other relief which may be suitable in the facts and circumstances of the case, may also be granted.”

2. Facts of the case is that petitioner was holding the post of Assistant Revenue Officer and was at Sr. No.1 in the gradation list. The Departmental Promotion Committee (DPC) in its meeting dated 7.2.2022 recommended name of petitioner for promotion to the post of Revenue Officer from Assistant Revenue Officer. Proposal of the DPC for promotion of petitioner was sent to the competent authority for approval. In the meanwhile, petitioner stood retired on 30.9.2023. Petitioner thereafter preferred WPS No.6344/2024, which came to be disposed of vide order dated 7.1.0.2024 directing respondent authorities to take decision on the claim of petitioner for grant of promotion within 08 weeks. Subsequently, respondent No.3 vide order impugned granted notional promotion to petitioner on the post



of Revenue Officer w.e.f. 27.9.2023, but refused to grant benefits of promotion w.e.f. 7.2.2022 on the ground that approval to grant promotion to petitioner has been granted by the Competent Authority only on 27.9.2023.

3. Learned counsel for petitioner submits that petitioner was found fit for promotion to the post of Revenue Officer and recommendation of DPC has also been approved by the Competent Authority, therefore, petitioner should have been promoted from the date of recommendation of DPC and not from the date of issuance of formal order. He submits that merely, on account of delay in approval of recommendations of DPC by the competent authority for promotion, which is not at all attributable to petitioner, denial of promotion to petitioner from the date of recommendation made by DPC is arbitrary and unsustainable. Recommendation of DPC should have been accepted by the Competent Authority without delay and therefore, petitioner is entitled for promotion to the post of Revenue Officer from the date of recommendation of DPC.
4. On the other hand, learned counsel appearing on behalf of respondents supported the action of respondents and submits that petitioner has no right to get promotion from the date of DPC. The exercise done by the DPC is only recommendatory in nature, it would be for the Competent Authority to accept or not said recommendation. Recommendations of DPC does



not give an enforceable right to the person who is recommended for promotion to higher post and promotion becomes effective only upon issuance of a formal order by the Competent Authority and not from the date of recommendation. In case at hand, the recommendations of DPC was approved by the Competent Authority only on 27.9.2023 and accordingly, petitioner was granted promotion w.e.f. 27.9.2023. He submits that non-grant of promotion to petitioner might have caused hardship but it cannot be termed as arbitrary or illegal or contrary to the settled principle of law. Even petitioner has not placed on record any material to substantiate his claim that order of promotion would relate back to the date of recommendations made by the DPC. There is also no material on record to demonstrate that the delay, if any, in issuance of promotion order was arbitrary, mala fide or discriminatory.

5. Heard learned counsel for the respective parties and perused the documents annexed along with writ petition.
6. Question involved in this petition for consideration is whether petitioner is entitled for promotion to the post of Revenue Officer w.e.f. 7.2.2022, when the meeting of DPC was convened and his name was recommended for promotion?
7. In case of **Union of India vs. K.K. Vadera & Ors.** reported in **1989 Supp (2) SCC 625**, it was observed in para 5 as under:-



"5.....We do not know of any law or any rule under which a promotion is to be effective from the date of creation of the promotional post. After a post falls vacant for any reason whatsoever, promotion to that post should be from the date the promotion is granted and not from the date on which such post falls vacant...."

8. In case of **Union of India and others vs N.C. Murali and others**, reported in **(2017) 13 SCC 575**, wherein also point for consideration was whether employees are entitled to claim promotion from the year the vacancy arose and it was observed thus:-

"19.In view of the law laid down in the above mentioned cases, it is clear that unless there is specific rule entitling the applicants to receive promotion from the date of occurrence of vacancy, the right of promotion does not crystallise on the date of occurrence of vacancy and the promotion is to be extended on the date when it is actually effected."

9. Recently, in case of **Government of West Bengal and others Vs. Dr. Amal Satpathi and others** reported in **2024 SCC OnLine SC 3512** wherein Public Service Commission recommended respondent no.1 therein for promotion on 29.12.2016. Respondent no.1 retired on superannuation on 31.12.2016. The Government Department received the final



approval for promotion of the respondent no.1 on 04.01.2017, i.e. after the retirement of the respondent no.1 therein. Respondent no.1 made a representation to give effect to his promotion. The Tribunal directed to grant notional financial benefits to respondent No.1 of promotion post. The challenge made to the High Court by the Government of West Bengal was dismissed. The Government of West Bengal then approached Hon'ble Supreme Court. Under these circumstances, Hon'ble Supreme Court has held that it is a well settled principle 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. Para-21 of said judgment reads thus:-

“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.....”

10.In case of **Bihar State Electricity Board and Others v. Dharamdeo Das**, reported in **2024 SCC OnLine SC 1768**, wherein it was observed as follows:



"18. It is no longer res integra that a promotion is effective from the date it is granted and not from the date when a vacancy occurs on the subject post or when the post itself is created....."

11. A bare reading of above quoted decision of Hon'ble Supreme Court makes it clear that mere recommendation for promotion does not confer any right and the date of promotion would be the date on which the order of promotion is passed by the Competent Authority and not on the date of availability of vacancy or date of recommendation.
12. As can be seen from the pleadings and submissions made by the learned counsel for the parties, a meeting of DPC was convened on 7.2.2022 in which name of petitioner was recommended for promotion to the post of Revenue Officer. Recommendations of the DPC were sent to the Competent Authority for approval. On 27.9.2023 the competent authority had approved the recommendation of DPC regarding the promotion of petitioner to the post of Revenue Officer. Accordingly, promotion order was issued in favour of petitioner w.e.f. 27.9.2023.
13. Thus, upon considering the facts of present case in the light of above rulings of Hon'ble Supreme Court, in the considered opinion of this Court, petitioner is not entitled for promotion from the date of recommendation of his name by the DPC for



promotion, for the reason that mere recommendation of name of petitioner for promotion by DPC does not create a right in his favour to claim promotion. Recommendation for the promotion does not mean that promotion order is actually issued. Report of DPC is recommendatory in nature which can be translated into reality only when the same is accepted by competent authority and consequential order of promotion is passed.

14. Furthermore, any statutory rule or provision mandating promotion from the date of recommendation has not been brought to the notice of this Court by the petitioner so that it can be held that promotion of petitioner whenever to be effected should be effected w.e.f. the date of recommendation of DPC.

15. As regards the delay in approval of recommendation of DPC for promotion, it is true that there has been some delay in finalizing the promotion proceeding as a result there is delay in issuing promotion order of petitioner. Perusal of order impugned indicates that delay occurred on account of procedural formalities inherent in proceeding of promotion. The time consumed in completing process of promotion cannot be construed as intentional delay or intention to deprive promotional benefits to petitioner from an earlier date. The promotion order of petitioner has been issued a few days



before his retirement and if there was any ill-intention on behalf of the respondents to deny the promotion to the petitioner, the promotion order would have been issued after retirement of petitioner. Undoubtedly, respondent Department is expected to take timely steps to finalize proceeding of promotion, but for the delay which has occurred in case at hand in finalizing the proceedings, petitioner cannot be held to be entitled for promotion from the date of recommendation of DPC i.e. from 7.2.2022.

16. As a result of above, this Court does not find any merit in the claim of petitioner for his promotion to the post of Revenue Officer w.e.f. 7.2.2022 on which date recommendation for promotion was made by the DPC. Writ petition being sans merit is liable to be and is hereby dismissed.

Sd/
(Parth Prateem Sahu)
Judge

roshan/-