

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 305 (2 cases)

Case No. : C. W. P.No. 13879 of 1991

Date of Decision : March 11, 2015

Nasib Singh Mann Petitioner

Vs.

The Punjab State Electricity Board,
Patiala and another Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. S. K. Sharma Budhladawale, Advocate
for the petitioner.

Mr. S. C. Pathela, Advocate
for the respondents.

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DEEPAK SIBAL, J. :

Through the present judgment, I tend to dispose of two writ
petitions being C. W. P. No. 13879 of 1991 – Nasib Singh Mann vs. The
Punjab State Electricity Board and another and C. W. P. No. 13880 of
1991 – Karamjit Singh vs. The Punjab State Electricity Board and

another as the issues involved in both the cases are similar. For the sake of convenience, facts are being taken from **C. W. P. No. 13879 of 1991**.

The petitioner has approached this Court through the present writ petition seeking promotion to the post of Junior Engineer (Civil) seeking parity with the case of one Balkar Singh son of Sardara Singh.

The facts, in brevity, leading to filing of the present writ are that on 01.10.1977, the petitioner was appointed as Work Charged Mistry. Thereafter, w.e.f. 25.11.1983, he was promoted as Assistant Lineman. While discharging his duties as Assistant Lineman, in June 1988, the petitioner successfully completed his four years' part-time Diploma Course in Civil Engineering from Government Polytechnic at Batala, District Gurdaspur. Thereafter, the petitioner requested the respondent – Punjab State Electricity Board (hereinafter referred to as – the Board) to consider and promote him as Junior Engineer (Civil) as had been done in the case of Balkar Singh. In the claim made by the petitioner, he had submitted that the above said Balkar Singh had been ordered to be promoted to the post of Sectional Officer (according to the petitioner, a post equivalent to the post of Junior Engineer) by the Civil Court in a Civil Suit preferred by him. The decree by the Civil Court in favour of the above said Balkar Singh had been upheld by the First Appellate Court, as also this Court and the Apex Court. Thus, seeking parity with Balkar Singh, the petitioner had raised the issue with regard to his promotion to the post of Junior Engineer with the

respondent – Board, but his claim, having been ignored, gave him a cause to knock the doors of this Court through present writ petition.

I have heard learned counsel for the parties and with their able assistance, have also gone through the records of the case.

The only issue raised by the petitioner in the writ petition, seeking promotion to the post of Junior Engineer (Civil), is by seeking parity with the case of Balkar Singh. A perusal of the judgments of the trial court, Appellate Court, this Court and the Apex Court shows that in the case of Balkar Singh, who was working as a work-charged Surveyor, it had been held that firstly, on the basis of length of service of Balkar Singh, his services as a Surveyor were required to be regularized and then on the basis of instructions of the Board dated 30.10.1964, wherein a quota had been provided for promotion of Surveyors to the post of Sectional Officers, his case be considered for promotion.

A perusal of the instructions dated 30.10.1964 made it clear that 1/3rd of the total vacancies of the Sectional Officers was required to be filled up by way of promotion from Surveyors. It is under this provision that the orders were passed by the Civil Court, which were upheld by the Appellate Court, this Court and the Apex Court for consideration of the case of Balkar Singh for promotion to the post of Sectional Officer. So far as the petitioner is concerned, he was admittedly working as an Assistant Lineman. No rule, regulation or instruction has been referred to by the

counsel for the petitioner, which provided for a channel of promotion to the post of Junior Engineer from the post of Assistant Lineman. Further, it is the un rebutted case of the respondents that the post of Junior Engineer (Civil) in the Board, at the relevant time, was to be filled up only by way of direct recruitment.

In view of the above, I find no merit in the writ petition filed by the petitioner and order dismissal of the same.

No costs.

(DEEPAK SIBAL)
JUDGE

March 11, 2015

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