

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 206

Case No. : C. W. P.No. 24312 of 2012

Date of Decision : May 06, 2015

Er. Chaman Singh Suman Petitioner

Vs.

The Punjab State Power Corporation Ltd. 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. Baltej Singh Sidhu, Advocate
for the petitioner.

Mr. Mukul Aggarwal, Advocate
for the respondent.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioner seeks quashing of order dated 29.01.2010 (Annexure P-5), through which, just two days before his retirement, he has been ordered to be reverted from the post of Engineer-in-Chief to the post of Chief Engineer.

Brief facts may be noticed.

On 02.06.2008, the petitioner was promoted as Chief Engineer of The Punjab State Power Corporation Ltd. (hereinafter referred to as – the respondent Corporation). Thereafter, vide order dated 02.03.2009, the petitioner was further promoted as Engineer-in-Chief. Through order dated 31.12.2009, the respondent Corporation ordered that the petitioner would retire w.e.f. 31.01.2010 as Engineer-in-Chief, BBMB, but before the petitioner could actually retire on 31.01.2010, just two days before his retirement, i.e. on 29.01.2010, through the impugned order, he was reverted from the post of Engineer-in-Chief to the post of Chief Engineer. As a consequence of such reversion, the petitioner was also placed in a lower pay scale, as applicable to the post of Chief Engineer. Challenging the reversion order dated 29.01.2010, the petitioner has preferred the present writ petition.

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

On 02.03.2009, the petitioner was promoted from the post of Chief Engineer to the post of Engineer-in-Chief. A perusal of the promotion order shows that it was a regular promotion containing no conditions whatsoever. Thereafter, order dated 31.12.2009 shows that the respondent Corporation issued a retirement order of the petitioner w.e.f. 31.01.2010 as Engineer-in-Chief. Admittedly, without holding any inquiry and without following the procedure prescribed under the applicable rules,

the impugned order of reversion has been passed, reverting the petitioner from the post of Engineer-in-Chief to the post of Chief Engineer. Through impugned order, the petitioner has further been placed in a lower pay scale. The record reveals that before reverting the petitioner only a simple Show Cause Notice had been issued to which the petitioner had submitted a reply. None of the issues raised by the petitioner, in reply to the Show Cause Notice, have been considered in the impugned order.

What is more tragic for the petitioner is that the order of reversion in the case of the petitioner has been passed just two days before the petitioner was to retire and that too, after the respondent Corporation had already ordered the retirement of the petitioner as Engineer-in-Chief. The action of the respondent Corporation is also discriminatory. It is the undisputed case of the petitioner that through order dated 29.10.2009 (Annexure P-6) and 22.07.2005 (Annexure P-7), the respondent Corporation, in similar circumstances, has not been reverting the incumbents but allowing them to retire on the promoted posts by treating their continuance on the post in question, till the date of their retirement, as a personal measure to them.

In view of the above, the impugned order dated 29.01.2010 (Annexure P-5) is quashed and considering that the petitioner was to retire on 31.01.2010 i.e. just after two days, it is directed that he be allowed to retire as Engineer-in-Chief, by holding the post of Engineer-in-Chief, till

the date of his retirement, as a personal measure to him, as has been done by the respondent Corporation in other similar cases.

The writ petition is allowed in the above terms.

**(DEEPAK SIBAL)
JUDGE**

May 06, 2015
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