

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

**CWP No.26837 of 2013
Date of Decision : 02.03.2015**

Suresh Kumar

..... Petitioner

Vs.

Haryana Vidyut Prasaran Nigam Limited & others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present:- Mr.R.S.Panghal, Advocate
for the petitioner.

Mr.P.S.Poonia, Advocate
for the respondents.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

Written statement filed on behalf of respondents No.1 to 3
is taken on record.

Learned counsel for the respondents states that advance
copy of the written statement had been handed over to him and
therefore he is ready to argue the matter.

By this petition the petitioner is claiming promotion to the
post of Assistant Engineer on the ground that he served in the core of
Mechanical Engineers of the Indian Army for 18 years and had obtained
Diploma in Electronics Engineering (Computer) from the Military

College of Electronics and Mechanical Engineering, Secunderabad. Learned counsel for the petitioner has contended that as per the Annexure P-1 such a diploma with 10 years experience in the relevant field would be equivalent to a Degree of Bachelor in Engineering. The grouse is that despite this qualification he is not being promoted.

In the reply the stand taken is that though on principle the contention of the petitioner is correct yet, alongwith his application the petitioner had annexed document Annexure P-2 which was a certificate in Degree in Electronics and Communication Engineering issued by the Zila Sainik Board, Bhiwani and when the matter was referred to the Board for verification the Board stated that it could not have issued such a Degree and therefore, as per the respondents the qualification of the petitioner could not be verified. The case of the petitioner is claimed to be covered by the judgment Annexure P-14 i.e. CWP No.10429 of 2010 titled as "Ashok Ahlawat and others Vs. State of Haryana and others" decided on 21.12.2012 wherein also similarly situated ex-service man from the Air Force sought promotion to the post of Assistant Engineer and this Court has held as follows :-

"All the petitioners have placed on record certificates from their respective Commanding Officers to establish that they are possessed to Diploma in the relevant field and have served more than 10 years in the Technical Stream in the Armed Forces. On the strength of the aforesaid documents, the petitioners claim to be qualified and eligible for consideration for promotion against 12 ½ % promotional quota....."

In view of the above, these petitions are

allowed. Respondent-Nigam is hereby directed to treat the qualification of the petitioners equivalent to Degree in Engineering and consider them for promotion to the post of Assistant Engineer against the available vacancies within a period of two months from the date of certified copy of this order is received by the competent authority and if the petitioners are found, otherwise, eligible, they be accordingly granted such promotion.

Copy of this order be placed on record of each concerned file."

It is not disputed that this judgment was upheld by the Hon'ble Supreme Court. The precise issue before this Court is whether the letter written by the Zila Sainik Board (Annexure R-I) to the effect that the certificate issued by them is not correct is sufficient to justify that the petitioner does not have the qualifications. To my mind what that letter intends to state is that the Zila Sainik Board is not competent to issue such a certificate and therefore withdraws the same. However the letter does not say in any manner that the claim of the petitioner that he had diploma and 10 years experience in the relevant field is incorrect. As per document (Annexure P-9) the power of the Zila Sainik Board is only to the extent of authentication of documents and not issuance of certificates. In the circumstances, it would be incumbent upon the respondents to submit the documents Annexures P-8, P-10, P-11 and P-12 to the Zila Sainik Board for authentication because if these documents are authentic the petitioner would be entitled to be considered as having passed his Bachelor in Engineering.

Resultantly, the petition is disposed of with a

direction to the respondents to submit these documents for authentication to the Zila Sainik Board, Bhiwani within a period of one month from the date of receipt of a certified copy of this order and, if the Zila Sainik Board, Bhiwani confirms the authenticity of these documents, to treat the petitioner as Bachelor in Engineering and then consider his claim for promotion from the date it was due. The Zila Sainik Board would process the applications within two months and the further exercise would be done within a period of 2 months from the date of receipt of a necessary communication from the Zila Sainik Board, Bhiwani.

March 02, 2015
pooja sharma-I

(AJAY TEWARI)
JUDGE