

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1.)

LPA No.1836 of 2013
Date of Decision:- 30.06.2015.

Deep Kumar

.....Appellant

Versus

State of Punjab and others

.....Respondents

(2.)

LPA No.1910 of 2013

Naval Kishore and others

.....Appellants

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

- 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?**

Present: Mr. Pankaj Sharma, Advocate for the appellant(s).

Mr. Aman Bahri, Additional A.G. Punjab.

Mr. R.D. Bawa, Advocate for respondent No.3 in
LPA No.1836 of 2013.

Mr. Harsh Aggarwal, Advocate for respondent No.4 in

LPA No.1910 of 2013.

Ms. Meena Bansal, Advocate for respondent No.6.

Mr. R.K. Gautam, Advocate for respondent No.8 in
LPA No.1836 of 2013.

SURYA KANT, J. (ORAL)

1.) This order shall dispose of LPA Nos.1836 and 1910 of 2013 as both the appeals have arisen out of a common order. For brevity, the facts are being extracted from LPA No.1836 of 2013.

2.) The appellants are aggrieved by the dismissal of their writ petition by the learned Single Judge vide order under appeal dated 22.08.2013.

3.) The appellants as well as private respondents joined the Municipal Corporation, Amritsar in the cadre created for annual operation and maintenance of water supply, sewerage and storm drainage system. The Electrical Wing was also being operated by the Municipal Corporation, Amritsar by virtue of Licence granted to it under Section 3 of the Indian Electricity Act, 1910. The appellants, in specific, were serving in the Electrical Wing as Linemen/Sub-Station Attendants/Water Sealers and Clerks etc. The Licence of the Municipal Corporation under the Electricity Act was revoked w.e.f. midnight between 31.03.1995 and 01.04.1995 and all the powers functions and liabilities of the Municipal Corporation under that Licence were ordered to be vested with the Punjab State Electricity

Board (hereinafter referred to as 'PSEB'). All the employees of Municipal Corporation working in the Electrical Wing were also transferred to PSEB. The appellants consequently, joined PSEB.

4.) Meanwhile, their juniors working in other wings of Municipal Corporation were considered and promoted as Sectional Officers without considering the claim of appellants. The aggrieved appellants approached this Court.

5.) It is not in dispute that during the pendency of writ petition the erstwhile Punjab State Electricity Board took a policy decision dated 24.04.1996 (Annexure A-1) whereunder the appellants or other employees of Municipal Corporation of Electrical Wing have been absorbed in the Board w.e.f. 01.04.1995. The policy circular further stipulates as follows:-

“Care will be taken that in any case the promotion prospects will not be less than what they were having in the Municipal Corporation and in case of such an eventuality, posts will be upgraded on personal basis by P.S.E.B., where Municipal employees would have been eligible for promotion under their rules earlier than integrated seniority.”

6.) It is in this backdrop that learned Single Judge has observed that the claim of the appellants to seek promotion in the Municipal Corporation has become infructuous.

7.) No exception can be taken to the aforesaid view as the

appellants are no longer in the service of Municipal Corporation. At the same time, having regard to the fact that their juniors in the Municipal Corporation stood promoted even before the appellants were absorbed in the PSEB, we dispose of these appeals with liberty to the appellants to put their promotional claim before the Authorities in the PSEB (now known as Power Corporation) in terms of the relevant clause of the policy decision dated 24.04.1996. We direct the Authorities in the Power Corporation to consider the claim of appellants sympathetically as and when such a representation is made and decide the same within a period of four months from the date of its receipt.

8.) The order passed by learned Single Judge is modified to the extent above and the writ petitions stand disposed of in above terms.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

June 30, 2015.

sandeep sethi