

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1430 of 1996

Date of Decision: 03.05.2016

Raj Kumar and others

... Petitioners

Versus

Punjab State Elec. Board and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Nemo for the parties.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. As per office report, petitioners could not be served with the court summons. Their counsel had passed away. The memo of parties has not been filed indicating description and addresses of the petitioners who are 12 in number and who were once working as Junior Engineers in the Board. The dispute is as to inter se seniority in a case where the petitioners were shown senior till 1989 and 1992 but when the respondents 3 to 20 were promoted as Linemen later, the petitioners' seniority was downgraded suddenly and changed to their detriment and were made junior to them.

2. The defence of the Board in the preliminary objections is that the earlier seniority list was prepared on quota system which method was struck down by this Court and the Supreme Court and, therefore, seniority was fixed in terms of Rule 9 of the PWD (Electricity Branch) Provincial Service Class III (Subordinate Posts) Rules. With the change in law the axis of Rule 9 changed, changing the seniority principle. As a result the seniority list could not be prepared on quota system. The quota of direct

recruitment was 62% but was later reduced vide order dated May 09, 1974 Annex P-11. It was this order which was quashed by the Court in the earlier writ proceeding.

3. Instead of keeping this matter pending for service of the petitioners I would dispose of the case in the light of the judgments of this Court and of the Supreme Court upholding the view of this Court striking down seniority list maintained on quota system by giving liberty to the petitioners, in case they still feel aggrieved, to apply for revival of the petition for any further hearing or orders that may be required, if found justified.

4. A copy of this order be sent to the respondent Board which has also not remained represented in this case today when it was called for hearing at Item 102 being the oldest cases, four of which are shown in the beginning of the urgent list for disposal. The respondent-Punjab State Electricity Board (presently Punjab State Power Corporation Ltd) will forward this order to each of the 12 petitioners, if their present addresses are known or available on their records being its ex-employees or can otherwise be contacted by any modern means.

5. Accordingly, the file is closed.

(RAJIV NARAIN RAINA)
JUDGE

03.05.2016
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