

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 15437 of 2013 (O&M)
Date of Decision:- 07.04.2016

Ashok Kumar

....Petitioner

Versus

HVPNL and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rakesh Nagpal, Advocate, for the petitioner.

Mr. Pardeep Singh Poonia, Advocate, for the respondents.

RITU BAHRI, J. (Oral)

Petitioner by way of present petition is seeking quashing of the order dated 22.10.2012 (Annexure P-12) whereby his request for grant of time scale of admissible upon 12 years of service has not been accepted.

Petitioner was appointed as Telephone Mechanic on 04.09.1959 at Ludhiana, Punjab in PSEB and thereafter he was allocated HSEB after bifurcation of Punjab. He was promoted as J.E. Grade-I Carrier Communication in January 1976. He was transferred as J.E.-I at CC Sub-Division, Panipat as per Annexures P-2 to P-5. Vide order dated 01/02.03.1985 (Annexure P-6), the petitioner was promoted as Officiating S.D.O./Operation posted at Sub-Division, Meham. Simultaneously, the recommendation of Superintending Engineer, Carrier Circle, HSEB, Hisar, vide order dated 08.03.1985, to the Secretary, HSEB, Chandigarh, to retain the petitioner at Sub-Division, Panipat keeping in view of his work,

conduct and experience on the said post at the given station. Vide order dated 20.03.1985 (Annexure P-8) again a request was made for retention of the petitioner. The said recommendation was accepted, vide order dated 10.04.1985 (Annexure P-8) and the petitioner was retained at Sub-Division Panipat. On 12.04.1985 (Annexure P-9), he officially joined as JE-I (SDO) Sub-Division, Panipat.

It is not the case of the respondents that after the promotion of petitioner on 01.03.1985 (Annexure P-6), he had joined in Urban Estate, Rohtak. Hence, for all intents and purposes on the date of promotion i.e. 01.03.1985, the petitioner was working as SDO at Sub-Division, Panipat. A perusal of impugned order (Annexure P-12) shows that the benefit of grant of time scale after completing 12 years has been denied to the petitioner on the ground that he had joined on 12.04.1985 as per joining report (Annexure P-9) and on the date of his retirement on 31.03.1997 he had not completed 12 years of service. Since, the petitioner had not been relieved after being promoting vide order dated 01.03.1985 (Annexure P-6), then for all intents and purposes he stood promoted as SDO on 01.03.1985 and had completed 12 years of service.

In view of above facts, the present writ petition is allowed. The impugned order dated 22.10.2012 (Annexure P-12) is set aside and directions to the respondent(s) to consider the claim of the petitioner for grant of time scale of 12 years of service as Assistant Engineer/SDO along with a consequential benefits of arrears, within a period of three months from the date of receipt of certified copy of this order.

April 07, 2016

(RITU BAHRI)
JUDGE