

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

CWP No.15905 of 2016 (O&M)

Date of decision:14.09.2016

Ramesh Kumar Kalra

... Petitioner

Vs.

UHBVNL

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. S.P. Arora, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

Petitioner who already stands superannuated from the post of Personal Assistant while working under the Uttar Haryana Bijli Vitran Nigam (hereinafter to be referred to as 'the Nigam') has filed the instant petition impugning the order dated 27.04.2016 (Annexure P-13) in terms of which his claim for being considered for promotion to the post of Private Secretary but against a vacancy of Senior Private Secretary had been declined.

There is no dispute as regards the factual position that promotion to the post of Private Secretary as also Senior Private Secretary is governed by a Recruitment and Promotion Policy notified by the respondent/Nigam. Relevant provisions would be contained in para 5.0 and 6.0 of the Policy and read as follows:

"5.0 Private Secretary:

The post shall be filled up by promotion from amongst the Personal Assistant(s) on seniority-cum-merit basis provided he/she has put in 1 year service as such.

6.0 Senior Private Secretary:

The post shall be filled up by promotion from amongst the Private Secretary(s) on seniority-cum-merit basis provided he/she has put in 1 year service as such."

A bare perusal of the relevant provisions make it apparent that the post of Private Secretary is to be filled up by promotion from amongst Personal Assistant(s) on seniority-cum-merit basis and who have to their credit one year service as such. Likewise, the post of Senior Private Secretary is to be filled up by promotion from amongst Private Secretary(s) on seniority-cum-merit basis after putting one year service on the post of Private Secretary.

Perusal of the impugned order declining the claim of the petitioner clearly recites that there were two sanctioned posts of Private Secretary in the Nigam and after retirement of one Sh. Sat Narain, Private Secretary on 31.05.2015, Sh. Dharambir Mehndiratta and who was senior to the present petitioner in the cadre of Personal Assistant was promoted as Private Secretary on 03.06.2015. The impugned order further states that there was no post of Private Secretary lying vacant till the date of superannuation of the petitioner i.e. 31.08.2015.

The afore noticed factual matrix is not even disputed by learned counsel appearing for the petitioner.

The sole contention raised is on the strength of parity by adverting to the orders appended and placed on record at Annexure P-8 to P-11. It is argued that the respondent/Nigam in the recent past and in a situation where the post of Private Secretary was not available had adopted a methodology whereby Personal Assistants had been promoted as Private Secretaries but against the vacancies relating to the post of Senior Private Secretaries. It is, as such, argued that the same course of action should have been adopted even qua the present petitioner and denial of the same by virtue of passing the impugned order dated 27.04.2016 would be

discriminatory and violative of Articles 14 & 16 of the Constitution of India.

Having heard counsel for the petitioner at length, this Court is of the considered view that the submissions and contentions raised by the counsel cannot be accepted.

Under the Recruitment and Promotion Policy framed by the respondent/Nigam, there is no provision whereby a Personal Assistant can be considered for promotion to the post of Senior Private Secretary. Furthermore, there is no provision whereby a Personal Assistant can even be promoted as a Private Secretary but against the vacancy relating to the cadre of Senior Private Secretary. The promotion of Personal Assistant is only to that of Private Secretary and upon putting one year service as such.

Even if in the past the respondent/Nigam has resorted to a methodology of promoting Personal Assistants to the post of Private Secretaries but against the vacancies in relation to the cadre of Senior Private Secretaries, such practice was wholly alien to the provisions contained under the Recruitment and Promotion Policy. Such practice and methodology even if resorted to by the Nigam would have no statutory sanction and in any case cannot vest a right in the present petitioner to claim parity in treatment.

For the reasons recorded above, this Court does not find any infirmity in the impugned order dated 27.04.2016 at Annexure P-13 and the writ petition is dismissed.

14.09.2016

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether reasoned/speaking? | Yes |
| ii) | Whether reportable? | No |