

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

**CWP No. 24281 of 2012
Date of decision : 17.02.2016**

Umrao Singh

...Petitioner

versus

D.H.B.V.N.L and others

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jai Singh Yadav, Advocate
for the petitioner.

Mr. Pardeep Singh Poonia, Advocate
for the respondents.

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

RITU BAHRI , J. (Oral)

C.M. No. 2274 of 2015

Application is allowed as prayed for.

Accordingly, Annexure A-1 is taken on record.

CWP No. 24281 of 2012

Petitioner was appointed as Assistant Lineman on 02.11.1970 in the office of SE/OP Circle Narnaul and was promoted as Lineman on 01.02.1986 and thereafter as Assistant Foremen on 08.04.2003 but respondent No. 5 who joined his services as Assistant

Lineman on 06.05.1980 in the office of SE/OP Circle, DHBVN, Gurgaon and respondent No 5 was promoted to the post of Lineman on 22.07.1985 in SE/OP Circle, Gurgaon. Respondent No. 5 was thus shown senior to the petitioner. Thereafter, both petitioner and respondent No. 5 were promoted on the post of A.F.M on 13.08.2003.

The case of the petitioner is that firstly he was shown wrongly junior to respondent No. 5 and secondly, he was not promoted to the post of J.E, on the sole ground that his matriculation certificate was not on the record of the office. However respondent No. 5 was promoted as J.E on 05.11.2008.

On notice, a written statement has been filed by the respondents stating therein that the petitioner was junior to respondent No. 5, as respondent No. 5 was senior in the cadre of linemen on the ground that the post of ALM is of the category of circle level and the seniority of the said post is maintained at the circle level for further promotion to the post of linemen.

Further the petitioner was not promoted to the post of J.E. along with respondent No. 5, as he was requested time and again to produce his original matriculation certificate, which he had not done so far.

After going through the contents of the case, this Court is

of the view that the case of the petitioner can be considered for promotion from the date when respondent No. 5 was promoted to the post of J.E on 05.11.2008, as now the petitioner has filed an information received under the R.T.I Act, whereby it has been shown that the petitioner had passed the matriculation certificate from Punjab University vide Roll No. 431605 (Annexure A-1) and even otherwise, the respondents should not have been declined the promotion to the petitioner only on the ground that petitioner has not shown his matriculation certificate, as the petitioner was working with the respondents w.e.f 02.11.1970 and it is not believable that the respondents have taken him into service without verifying his certificates.

In view of the above factual position, the writ petition is partly allowed and a direction is given to the respondents to consider the case of the petitioner for promotion to the post of J.E w.e.f 05.11.2008 i.e the date respondent No. 5 was promoted and release all the consequential benefits to the petitioner, within a period of three months. However, petitioner shall remain junior to respondent No. 5, as respondent No. 5 was promoted before than the petitioner.

(RITU BAHRI)
JUDGE

17.02.2016

G Arora

GAURAV ARORA
2016.02.29 10:45
I attest to the accuracy and
integrity of this document