

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

**CM No.13034 of 2015 in/and
CWP No.22484 of 2013
Date of decision: 28.01.2016**

Jai Kumar Sharma

.....Petitioner

Versus

Haryana Power General Corporation Ltd. & others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Manjeet Singh, Advocate,
for Mr. J.S. Maanipur, Advocate,
for the petitioner.

Mr. P.S. Poonia, Avocate,
for the respondents.

Ritu Bahri, J.

CM No.13034 of 2015

In view of the averments mentioned in the application, same is allowed and the main petition i.e. CWP No. 22484 of 2013 is taken up today itself for disposal.

CWP No.22484 of 2013

The petitioner is seeking to quash the order dated 07.06.2013 (Annexure P-8), whereby his claim for promotion with effect from the date when his junior namely Sh. Rachna Ram-respondent No.3 was promoted, has been rejected.

This petition was admitted on 25.07.2014 and thereafter, the

petitioner filed CM No.13034 of 2015 for early hearing as this case is

covered by the judgment dated 08.04.2015 passed by this Court in **Sudesh Kumar Vs. Haryana Power Generation Corporation Limited and another,** CWP No.12059 of 2009 (Annexure A-1). In that case, petitioner-Sudesh Kumar had sought setting aside of the order dated 29.10.2007, whereby his claim for promotion to the post of Turbine Operator was declined by the respondent-authorities with effect from the date when his juniors were promoted. The said petition was allowed by this Court on the ground that the persons junior to the petitioner had joined as Fitter/AFM on 14.05.1985 onwards, whereas, the petitioner was deemed to be promoted w.e.f. 11.01.1985 prior to them. However, his juniors had been promoted as Turbine Operator/Auxiliary Operator w.e.f. 28.10.1986 onwards. Taking the date of appointment of the petitioner as 11.01.1985, he was to be considered senior.

In this case, no written statement has been filed by the respondents.

The judgment passed by this Court in **Sudesh Kumar's** case (supra) has attained finality, as LPA No.1741 of 2015 filed by Haryana Power General Corporation Ltd. against the said judgment, has been dismissed by a Division Bench of this Court on 09.12.2015.

In the present case, the petitioner has been superannuated on 28.02.2013. He is claiming the benefit of seniority on the ground that he had joined as work-charge T-Mate on 01.05.1980, whereas respondent No.3 had joined on 22.12.1981. This case is squarely covered by the decision given in **Sudesh Kumar's** case (supra), which has attained finality, as LPA filed by the respondents against the said judgment has since been dismissed on 09.12.2015.

the respondents to consider the claim of the petitioner in view of the judgment passed by this Court in **Sudesh Kumar's** case (supra) (Annexure A-1) and pass appropriate order in accordance with law within a period of three months from the date of receipt of certified copy of this order.

28.01.2016
ajp

(RITU BAHRI)
JUDGE