

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

**CWP No.18805 of 2016 (O&M)
Date of decision : September 09, 2016**

K.R. Bhatia and others

..... Petitioners

Versus

Haryana Power Generation Corpn. Ltd. and another Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Dhiraj Chawla, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioners claim the writ of certiorari for quashing the order dated 24.04.2015 (Annexure P-19), whereby their claim for re-designation as JEs from 15.01.1986 and consequential re-designation as Asstt. Engineer on completion of 18 years and grant of 1st, 2nd ACP w.e.f. 01.02.1986 and 01.02.2006 along with arrears was rejected on the ground that they are not eligible for the promotion as J.E.

The petitioner has approached this Court by way of filing of CWP No.3862 of 2011, in which the Single Bench of this Court ordered that the petitioners are held entitled to all consequential benefits on their re-designation as JEs from the date of their regularization i.e. 15.01.1986, which would include seniority, ACP Grade and re-designation/promotion as Addl. Assistant Engineers from the date their juniors have been granted the benefits. However, in LPA, the Division Bench of this Court modified the said judgment and granted the following relief:

*“ In view of the above, the judgment of the learned
Single Judge is modified only to the extent that the*

respondents would not be entitled to the benefit of ACP Scheme until and unless they prove before the authority that they possess the essential qualification for promotion to the posts of Junior Engineer-I and Additional Assistant Engineer. With regard to other benefits, the appeal filed by the appellants stands dismissed”

Now the petitioners claim that vide impugned order (Annexure P-19) they have been denied the benefits of ACP and promotion on the ground that they do not have the requisite qualification.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

The order passed by the Division Bench of this Court reproduced above, clearly shows that the present petitioners would not be entitled to the benefit of ACP Scheme until or unless they prove before the authority that they possess the essential qualification for promotion to the posts of Junior Engineer-I and Additional Assistant Engineer. Admittedly, the petitioners do not have the requisite qualification for promotion to the said posts. Therefore, there is no illegality or infirmity in the impugned order.

Accordingly, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

September 09, 2016

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Whether speaking / reasoned Yes

Whether Reportable: No