

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

CWP No.3022 of 2012 (O&M)

Date of decision:05.08.2016

Mahender Puri

... Petitioner

Vs.

UHBVNL & others

... Respondents

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

Present: Mr. Kapil Kakkar, Advocate for the petitioner.

Mr. Sudhir Hooda, Advocate for respondents No.1 to 3.

...

TEJINDER SINGH DHINDSA, J.

Pleadings on record would indicate that the petitioner had been promoted to the post of Lineman in the year 2008. He had earlier approached this Court in terms of filing CWP No.15521 of 2011 raising a claim that he should be considered for promotion to the post of Lineman w.e.f. the year 2007 on the basis that his alleged juniors had been so promoted. The aforenoticed writ petition came to be disposed of on 24.08.2011 at Annexure P-8 with a direction to the Superintending Engineer (Operation Circle), Kurukshetra to consider the claim and representation of the petitioner. In purported compliance of the directions issued by this Court, an order dated 02.11.2011 at Annexure P-9 has been passed rejecting the claim of the petitioner.

The instant writ petition is directed against the order dated 02.11.2011 at Annexure P-9.

Perusal of the impugned order reveals the basis of rejection of the claim of the petitioner seeking promotion to the post of Lineman w.e.f. the year 2007. It has been noticed that the petitioner had joined on the

feeder post of Assistant Lineman on 16.10.1991 whereas the other officials i.e. the juniors, namely, Sadhi Ram, Bhagtu Ram, Jagir Singh, Suresh Pal and Ved Parkash had joined on the feeder cadre post of Assistant Lineman on 17.05.1988. Accordingly, it has been justified that the aforementioned five officials had in turn been promoted to the post of Lineman earlier in point of time i.e. in the year 2007 whereas the petitioner has been so promoted in the year 2008.

In response, counsel appearing for the petitioner would contend that in the feeder cadre for purposes of appointment to the post of Assistant Lineman i.e. on the post of T-mate, the petitioner was senior to these officials.

Be that as it may, counsel has not been able to controvert the factual position that each of one of these alleged juniors had joined on the post of Assistant Lineman prior to the petitioner and on 17.05.1988. Even assuming the contention and assertion made by the counsel as regards petitioner being senior in the feeder cadre post of T-mate to be correct, yet the conceded position is that the petitioner never raised a challenge to the promotion of such alleged juniors to the post of Assistant Lineman and which was effected in the month of May, 1998.

It would be too late in the day for this Court to go into the question of the petitioner's claim for promotion to the post of Lineman w.e.f. the year 2007 as opposed to 2008 and by holding benefit of promotion granted to the private respondents in the year 1988 to be bad in law. The petitioner having never challenged the action of the respondent/Nigam/ Erstwhile Haryana State Electricity Board as regards the alleged juniors having been promoted to the post of Assistant Lineman on 17.05.1988 as

opposed to the petitioner himself having earned promotion to such post only on 16.10.1991, this Court would proceed by viewing such promotions being valid in law. That being the position, no infirmity can be found in the impugned order dated 02.11.2011 at Annexure P-9 rejecting the claim of the petitioner seeking promotion to the post of Lineman w.e.f. the year 2007.

The writ petition is dismissed.

05.08.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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