

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

**CWP No.2366 of 2013  
Decided on : 26.05.2016**

Jaswant Singh

... Petitioner

Versus

Punjab State Power Corporation Limited and another

... Respondents

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA**

Present : Mr. K.S. Chahal, Advocate  
for the petitioner.

Mr. Gursimranjit Singh, Advocate for  
Mr. Amit Aggarwal, Advocate for respondents.

**G.S. Sandhawalia, J. (Oral)**

The petitioner challenges the order dated 19.09.2012 (Annexure P-13), whereby his case for retrospective promotion from the year 1997 when his juniors were promoted has been declined. He further also suffered by rejection of his claim for proficiency step-up in the year 2011.

The reasoning in the impugned order is that the petitioner had been reverted as Internal Auditor from the post of Revenue Accountant vide order dated 23.12.1988 (Annexure P-1). He had filed an appeal against the said order, which was also dismissed on 17.07.1989. Thereafter, his civil suit was also dismissed on 06.05.1994 (Annexure P-2). Resultantly, respondent No.2 has rejected the claim for future promotion and the benefit of the proficiency step-up etc.

The case of the petitioner is that the order of reversion is not a penalty, which would forever be effective upon him. He could not only be

debarred for promotion for a period of 3 years and he was eligible to be promoted when his juniors were promoted in the year 1997. He has placed reliance upon the circular dated 18.02.1997 (Annexure P-9).

The respondent-Corporation in its reply to the said pleadings has taken the objection that the circular was a simple guideline for the DPC for quantifying the overall record of the employee, in view of the disciplinary cases pending against him, which were subject to the final decision resting with the Appointing Authority. Therefore, he was not eligible for promotion as his reversion has been made earlier from Revenue Accountant to Internal Auditor. Reliance was placed upon an order dated 19.03.2004 (Annexure R-2) to this extent that the punishment of reversion was to be considered forever.

Counsel for the respondent has accordingly submitted that the petitioner was rightly not considered for promotion from the date the juniors were promoted subsequently.

In the considered opinion of this Court, the said argument is without any basis. The circular dated 18.02.1997 (Annexure P-9) provides the general criteria for promotion, so that the uniform pattern is followed for making promotions. It was issued by the Secretary Electricity Board, so that a uniform criteria was followed while making promotions. The various punishments which were imposed in disciplinary cases, where by letter of advice, letter of warning, issue of censure, stoppage of one increment without cumulative effect or with cumulative effect etc., apart from lowering in the time scale which were

kept in mind and also as to how long the affect of the punishment order would be. The clause pertaining to lowering in time scale reads as under:-

“6. **LOWERING IN TIME SCALE**

*If a punishment of lowering in time scale or reversion is awarded, this will de-bar the concerned employee/official for promotion for the next 3 years.”*

The said instructions also further provides examples that punishments imposed would not have an effect on the ACR, while considering promotion in case the time gap between the reply given by the official to the show cause notice and the award of punishment is more than 3 years.

In such circumstances, the stand of the respondent-Corporation that the Appointing Authority was competent to withhold the promotion for all times to come, on account of the reversion order passed way-back in 1988 is not justified. The petitioner has been punished for his mis-conduct and was reverted back from the post for which he has suffered for the requisite period. Thereafter, the promotion of juniors has taken place in 1997. The communication dated 19.03.2004 (Annexure R-2) could not have been passed at his back and in furtherance of the earlier order dated 23.12.1988 which the petitioner had unsuccessfully appealed against and also challenged by way of filing a civil suit. The petitioner is, thus, entitled for consideration as the currency of the punishment was for a specific period and cannot run further as has been contended.

Accordingly, the order dated 19.09.2012 (Annexure P-13)

and the order dated 19.03.2004 (Annexure R-2) are quashed. The respondents shall reconsider the case of the petitioner for the grant of benefit of promotion from the date the juniors were promoted and for the proficiency step-up etc. from the date it become due. The needful be done within a period of 3 months from the receipt of the certified copy of this order.

With the abovesaid observations, the present writ petition stands allowed.

**MAY 26, 2016**  
*Naveen*

**(G.S. SANDHAWALIA)**  
**JUDGE**