

CWP No.3442 of 2013

Manoj Kumar
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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CWP No.3442 of 2013
Date of Order: 22.09.2016**

Chamkaur Singh

....Petitioner

Versus

Punjab State Power Corp. Ltd and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Ms. Shallie Mahajan, Advocate for the petitioner.

Mr. Bhupesh Dogra, Advocate for
Mr. Amit Aggarwal, Advocate for contesting
respondent Nos.1 & 2/PSPCL.

None for respondent No.3.

JASWANT SINGH, J (ORAL)

By filing the present writ petition, a writ of Mandamus is prayed for by the petitioner seeking promotion to the post of Junior Engineer w.e.f 13.12.2011 i.e the date when his junior/Amrit Pal Singh-respondent No.3 was promoted with all consequential benefits.

The petitioner was appointed as a Lineman on 07.10.1985 in the erstwhile PSEB (PSPCL-Successor) after due consideration by a Selection Committee. He is stated to have been given the additional charge of the post of Junior Engineer on 21.11.2007.

Learned counsel for the petitioner contends that the

petitioner and respondent No.3-Amrit Pal Singh were selected by the same Selection Committee and as per the seniority list **(P.2)**, the petitioner has been placed at Serial No.6 whereas respondent No.3-Amrit Pal Singh has been placed at Sr.No.7. That apart, it is contended that the petitioner being elder in age had to rank senior to Amrit Pal Singh-respondent No.3 having been selected by the same Selection Committee.

Upon notice, a reply by way of affidavit has been filed on behalf of respondent-PSPCL, Patiala. It is asserted that a final seniority list dated 31.3.1994 **(R.1)** in the rank of Linemen was issued wherein respondent No.3-Amrit Pal Singh was placed at Sr.No.9748 whereas the petitioner has been placed at Sr.No.10393 and, thus, respondent No.3-Amrit Pal Singh being senior to the petitioner was entitled to promotion w.e.f 2011. It is also submitted that the case of the petitioner for promotion as Junior Engineer fell for consideration in April 2013 but the same was deferred due to his involvement in the Strike. It is next submitted that although the petitioner is holding the additional charge of the rank of Junior Engineer since 2007, however, he is not entitled to any benefit of the same towards seniority.

Learned counsel for the respondent submits that the final seniority list **(R.1)** whereby the petitioner was placed much junior to private respondent No.3 was circulated in the year 1994 and the same was never challenged by the petitioner. It is next submitted that even as per the said Seniority List **(R.1)**, it is apparent that respondent No.3 ranks senior to the petitioner, thus

it is contended that no case for interference is made out.

After hearing learned counsel for the parties and perusing the paper book, it is evident that this writ petition is devoid of any merit. Learned counsel for the petitioner has brought no material on record to show that the petitioner was placed higher in merit than the private respondent at the time of their selection in the year 1985 as Linemen. It also cannot be disputed that the final seniority list **(R.2)** in the rank of Linemen stood issued on 31.3.1994 wherein respondent No.3-Amrit Pal Singh was placed much senior to the petitioner and the same concededly has never been challenged till date. Therefore, the petitioner being junior has no claim for promotion as Junior Engineer with effect from the date, respondent No.3-Amrit Pal Singh was promoted.

Dismissed.

September 22, 2016
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No