

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

CWP No.6576 of 2014

Date of decision: 22.01.2016

Satbir Singh Dahiya

...Petitioner

versus

Uttar Haryana Bijli Vitran Nigam Ltd. and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vikas Lochab, Advocate,
for the petitioner.

Mr. P.S. Punia, Advocate,
for respondent Nos.1 to 5.

RITU BAHRI, J.

The petitioner is seeking a writ of certiorari for quashing the order dated 08.04.2013 (Annexure P-5) passed by General Manager, Uttar Haryana Bijli Vitran Nigam Ltd.-respondent No.2, vide which Virender Singh Rana-respondent No.6, who is junior to the petitioner, has been promoted as Assistant Engineer (Electrical).

The petitioner is aggrieved on account of inaction of the respondents in not considering his claim for promotion to the post of Assistant Engineer, whereas respondent No.6, who is junior to him, has been promoted vide order dated 08.04.2013 (Annexure P-5). In this regard, a representation has been made by the petitioner, which has been forwarded by the Superintending Engineer (OP), UHBVN, Sonapat to the Chief Engineer (OP), UHBVN, Panchkula vide letter dated 10.05.2013 (Annexure P-7).

A perusal of Annexure P-5 shows that respondent No.6-Virender Singh Rana has been promoted as Assistant Engineer (Electrical) on

provisional basis and no financial benefit was given for this provisional promotion.

On notice, a short reply on behalf of respondent Nos. 1 to 5 has been filed by Mr. Dalip Kumar, Under Secretary/HR-II, UHBVNL, Panchkula, wherein it has been clarified that the request made by the petitioner was forwarded by the Chief Engineer (OP), UHBVN, Panchkula vide letter dated 07.06.2013 and after consideration by the competent authority, his name has been placed in the ranking list of Engineering Subordinates, as stood on 01.01.2008, at serial No.17-A above the name of respondent No.6-Virender Singh Rana vide letter dated 17.04.2015 (Annexure R-1). It has been further stated that the petitioner cannot be given the charge of the post of Assistant Engineer on provisional basis, as two charge sheets are pending against him, details of which have been given as under:-

Sr. No.	Charge sheet No. & date	Brief history of the case
1	CS No.80/LS-245 dated 04.07.2013	Charge sheet issued on account of irregularities in releasing the AP connections. The comments of concerned Xen/SE awaited.
2	CS No.88/LS-245 dated 17.01.2014	Charge sheet issued on account of misappropriation/embezzlement of 300 Kg MS Angle and 300 Kg MS flate, causing loss to the Nigam amounting to Rs.30,000/-. The reply of the official is still awaited till date.

On account of pendency of aforesaid charge-sheets, even the provisional promotion cannot be given. After finalization of the proceedings, appropriate steps can be taken by the respondent-Nigam for giving charge of the post of Assistant Engineer (Electrical) on provisional

basis.

In view of the above reply, no further orders are required to be passed.

Disposed of accordingly.

(RITU BAHRI)
JUDGE

22.01.2016
ajp