

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 27.04.2016

CWP No.7667 of 2016

Sukhmander Singh

...Petitioner

Vs.

Punjab State Power Corporation Ltd. & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. V.K.Shukla, Advocate, for the petitioner.

1. *To be referred to the Reporters or not?*
2. *Whether the judgment should be reported in the Digest?*

RAJIV NARAIN RAINA, J.

The petitioner is serving as a Regular T-Mate (RTM) in the Punjab State Power Corporation Limited (PSPCL) since 2001 on work-charged basis. 50% of the work-charged RTMs who were matriculates and had three years experience of work of maintenance of lines and construction were eligible for promotion while the other half non-matriculates who possess five years experience as such are entitled to promotion as Assistant Linemen, Linemen Grade-II & Linemen Grade-I as per Regulation 9.5 of the Punjab State Electricity Board Technical Services Class-III Regulations, 1996 (for short 'the Regulations').

The petitioner claims promotion by regularization of service automatically on the expiration of three / five years, as the case may be, on mere completion of the prescribed period of experience for eligibility. Such claim is based on prior precedents in the Department as given to similarly situated persons in the year 2002 vide Annex P-3 & P-4. The circumstances in

which action was taken in the year 2002 is not clearly informed to evaluate with any accuracy the differences, if any, in the quality of the promotions made 14 years ago. Regulation 9.5 in its wording does not appear to work by way of automatic promotion since no method of appointment is mentioned in the rule of recruitment. Admittedly, no person junior to the petitioner has been promoted to the post of Assistant Lineman.

Thus, at this stage, no direction can be issued to the PSPCL to promote the petitioner as Assistant Lineman. The writ petition is premature. Consequently, the same is dismissed as such. Nevertheless, whenever cause of action arises and accrues in favour of the petitioner or the threat of invasion of right to consideration for promotion creates right to sue and apprehension is real, the petitioner is always at liberty to approach this Court again for vindication of his rights, if any and if advised.

27.04.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE