

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-15789-1994(O&M)

Date of decision: 14.11.2017

Raja Ram

...Petitioner

V/s.

Bhakra Beas Management Board and others

...Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: None for the petitioner.

Mr. Vikas Suri, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

Matter called twice.

None appears for the petitioner. Even on the last date, there is no representation on behalf of the petitioner.

Grievance of the petitioner is that he has sought directions to respondent No. 2 to consider his name for promotion on the post of Foreman w.e.f. 22.07.1993, the date from which respondents No. 4 and 5 were promoted. The post of Foreman, Electrician Grade-I and Electrician were governed by Ad hoc Promotion Policy dated 24.05.1991 (Annexure R-1/3). For the purpose of promotion to a feeder cadre, it would be with reference to the pay scale i.e., immediate lower pay-scale. Perusal of the record, it is evident that hierarchy of the post is Electrician in the pay-scale of Rs.950-1800, Electrician Grade-I in the pay-scale of Rs.1200-2200 and Foreman in the pay-scale of Rs.1800-3200.

In this background, Electricians are not entitled to promotion to the post of Foreman. In between Electrician and Foreman, there is a post called Electrician Grade-I which is the immediate lower scale to Foreman.

That apart, method of promotion to the post of Foreman is 67% from the State partner employees and 33% from Bhakra Beas Management Board ('BBMB' for short).

Learned counsel for the respondents submitted that respondents No. 4 and 5 were employees of BBMB whereas petitioner is employee of State partner. Therefore, petitioner cannot compare with the employees of BBMB and the petitioner falls under 67% quota which is earmarked for State partner employees. That apart, petitioner is not entitled to promotion to the post of Foreman as he has not entered in the cadre of Electrician Grade-I which is in the pay-scale of Rs.1200-2200. Unless and until he enters in the cadre of Electrician Grade-I or pay scale of Rs.1200-2200, he cannot claim for promotion to the post of Foreman.

At this stage, learned counsel for the respondents submitted that in view of the 1994 Statutory Regulation (Annexure R-1/6) which governs various posts in the respondent-BBMB, the method of appointment to the post of Foreman is 33% by direct recruitment and 67% by promotion. Among promotion quota, it was further divided into 3 categories with 8 years, 12 years and 15 years of experience in various posts. Having regard to the regulation, petitioner's name was considered after 15 years of service and he was promoted on 10.03.1999. Thereafter, he was further promoted to Foreman Special on 19.02.2004 and attained his superannuation and retired from his service on 31.08.2004.

In view of these facts and circumstances, petitioner has not made out the case to claim promotion at par with respondents No. 4 and 5 w.e.f. 22.07.1993 with reference to promotion policy existing as on 22.07.1993.

Petition stands dismissed accordingly.

November 14, 2017
Divyanshi

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No