

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 9020 of 2014
DECIDED ON: NOVEMBER 27, 2017

MADAN LAL

.....PETITIONER

VERSUS

HARYANA POWER GENERATION CORP. LTD. & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

 Mr. P.S. Poonia, Advocate
 for the respondents.

JASPAL SINGH, J

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought for the issuance of a writ in the nature of mandamus directing the respondents for the grant of following reliefs:-

- (i) To produce the complete records of the case;
- (ii) To issue a writ in the nature of mandamus directing respondent authorities to consider and grant him promotion as Helper Grade-I w.e.f. date his juniors especially respondent No.3 were promoted in

pursuance to judgment in CWP No. 15441 of 2001 titled as **Prem Chand & others vs. HPGCL & others**, decided on December 04, 2008 (P-7), same has been implemented vide order dated March 10, 2009 (P-8) and in view of CWP No. 15262 of 2010, **Ved Singh Malik vs. HPGCL & others**; decided on July 19, 2011 (P-9) these petitions especially of Prem Chand (supra) was filed by the persons junior to the petitioner or in the alternative grant the benefits at par with his juniors along-with all consequential benefits including stepping up his pay at par with them and release all the benefits alongwith interest @18% per annum and further to extend of the judgments rendered in respect of similarly situated employees who are infact junior to the petitioner.

- (iii) It is also prayed that a writ in the nature of certiorari be issued quashing the letter dated October 05, 2012 (P-22) being contrary to factual and legal position and also directing the respondents to reconsider the entire case especially when the cases of the juniors have been allowed including CWP No. 16229 of 2011, titled as **Randhir Singh vs. HPGCL & others**; decided on February 19, 2014 (P-23)
- (iv) It is further prayed that directions be issued to the official respondents to decide his appeal dated August 24, 2010 (P-12) which is pending adjudication while during the pendency of the same many juniors employees have been promoted
- (v) It is further prayed directions be issued to the respondents to grant the benefit of work-charged service followed by regularization for the purposes of

8/18 years as well as 10/20 years of service for higher standard pay scale as per instructions especially in view of the instructions issued by the Government vide letter dated March 15, 2002 (P-15) and adopted by the respondent-Corporation dated November 12, 2012 (P-16) especially in view of law laid down in CWP No. 22461 of 2010, titled as **Kuldip Singh Lather vs. HPGCL & other**, decided on December 16, 2010 (P-21).

- (vi) To issue any other appropriate writ or order of direction as this Hon'ble Court may deem fit, and proper in that facts and circumstances of the case in favour of petitioner and against the respondents.
- (vii) Requirements of serving advance notices on the respondents may please be ordered to be dispensed with;
- (viii) Requirements of submission of attested copies of Annexures may please be ordered to be exempted alongwith permission to place on record the photocopies of annexures be granted; and
- (ix) Cost of the writ petition also be awarded in favour of the petitioner.

2. Though petitioner has prayed for as many as nine reliefs, yet the reliefs shows at serial No. ii, iii, iv and v are only require consideration by this Court.

3. Undisputably, petitioner was engaged as work charge on January 19, 1977, who was further promoted at Work Mistry on February 01, 1977. During the year 1989 the Erstwhile Haryana State Electricity Board had constituted a screening committee for the regularization of the service of work charged

employees and the said committee had interviewed such employees including the petitioner, as per criteria laid down by it. Petitioner was selected and placed at serial No.1 in the merit list of work charged Work Mistri. Accordingly, he was offered the appointment as Helper Grade-I vide order dated November 23, 1989 and in pursuance thereto, he had joined as such on December 01, 1989. Subsequent thereto, an inquiry ensued as there were certain allegations with regard to the documents or experience certificates submitted by some of the employees including the petitioner before the committee and those proceedings were culminated by giving minor punishment by way of warning vide letter/order dated August 11, 1995. Subsequent thereto, some petitions were filed for promotion etc and the persons junior to petitioner succeeded in those petitions and were granted certain benefits including the stepping up their pay and petitioner also approached for the similar relief, which is still agitated by the respondents.

4. The relief (iv) pertains to the issuance of mandamus to the Appellate Authority to decide the appeal preferred by the petitioner dated August 24, 2010 (P-12), which is still pending adjudication and during the pendency thereof, a number of junior employees are stated to have been promoted. There is no specific reply to this averment, which has been specifically made in para 24 of the written statement. So, since a period of more than 7 years has already been elapsed with regard to the pendency of afore-said appeal. Appellate Authority who is already seisin of the appeal dated August 24, 2010 (P-12), is directed to deal with and disposed of the said appeal within a period of three months from the date of receipt of certified copy of this order.

5. As far as the other reliefs i.e. relief No.2 and 5 are concerned, a direction is issued to respondents to consider/reconsider the case of the petitioner for the grant of promotion as Helper Grade-I w.e.f the date of his juniors especially respondent No.3 was promoted in the light of the judgments rendered in CWP No. 15441 of 2001 titled as **Prem Chand & others vs. HPGCL & others**, decided on December 04, 2008 (P-7). If the petitioner is entitled to the benefit in this regard, to calculate the same and make the payment thereof, within the afore-said period of three months. The grant of interest on the delayed payment(s) shall also be considered in the light of the judgment of judgment passed by Full Bench of this Court in case ***A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468*** as well as instructions issued by the Government of Haryana. The benefit of work charged service followed by regularization for the purposes of 8/18 and 10/20 years of service, as the case may be for higher standard pay scales, keeping in view the instructions issued by the Government vide letter dated March 15, 2002 (P-15), which was adopted by the Corporation vide letter dated November 12, 2012 (P-16) and the law laid down in CWP No. 22461 of 2010, titled as **Kuldip Singh Lather vs. HPGCL & other**, decided on December 16, 2010 (P-21), which as per the version of learned counsel for the petitioner has attained finality.

6. As far as the relief No.3 i.e. for quashing the letter dated October 05, 2012 (P-22) is concerned, the case of the petitioner was to be considered in the light of the observations made in CWP No. 16229 of 2011, titled as **Randhir Singh vs. HPGCL & others;** decided on February 19, 2014 (P-23), respondents are directed to the consider the case of petitioner in the light of afore-said

judgment (P-7) whereby, juniors to the petitioners are stated to have been promoted. Thus, letter dated October 05, 2012 (P-22) is hereby, quashed.

7. In view of afore-said discussion, instant petition is partly allowed.

NOVEMBER 27, 2017
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>