

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

CWP No. 7177 of 2017 (O & M)

Date of decision: 04.08.2017

Sunil Kumar and others

....Petitioner(s)

Versus

Haryana Power Generation Corporation Ltd. and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. J.S. Maanipur, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 10100 of 2017

Application for placing on record Annexures P-12 to P-14 is
allowed, subject to all just exceptions.

The same are taken on record.

CWP No. 7177 of 2017

The petitioners challenge reversion order dated 30.03.2017
(Annexure P-9) whereby, they have been reverted to the post of Accounts
Clerk from the posts of Divisional Accountant on the ground that they have
failed to qualify the promotional exam of departmental SAS-I within 3
chances or 2 years.

Counsel for the petitioners at this stage submits that he does not
want to raise challenge to the order as such but would be satisfied if a
direction is given to the official respondents to consider their case under
Rule 2.3 of the Recruitment and Promotion Policy for Accounts Cadre in
HPGCL dated 29.10.2013 (Annexure P-14). Counsel further submits that
before passing the impugned order, show cause notice was issued, to which
the petitioners had replied and referred to the said clause and also brought to

the notice of the respondents that 6 chances were being given to clear the departmental exam. However, it is the case of the counsel that the said fact has not been taken into consideration while passing the impugned order. He submits that representations have also been moved thereafter on 05.05.2017 and 05.06.2017 (Annexures P-12 and P-13) asking for the additional chances and also pointing out cases of discrimination where other officials have been promoted and allowed to continue on the said posts in spite of not having passed the said examination but the same stand unredressed. Counsel further submits that he would be satisfied if a direction is issued to the respondents to decide the said representations within a fixed time frame.

Keeping in view the above, this Court is of the opinion that the reply of the respondents at this stage is not required as it will only delay the proceedings further.

Without commenting on the merits of the case or the entitlement of the petitioners for the abovesaid relief and keeping in view the fact that the matter is still pending consideration, the present writ petition is disposed of with direction to respondent no. 1 to take a decision on the representations dated 5.05.2017 and 05.06.2017 (Annexures P-12 and P-13) within a period of 4 months from the date of receipt of certified copy of the order. Needless to say if the benefit is to be declined, a reasoned order be passed and the same be conveyed to the petitioners as to why they are not entitled for additional chances and why others have been allowed to continue.

04.08.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No

