

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

LPA No.205 of 2017 (O&M)

Date of Decision : 09.08.2017

Dakshin Haryana Bijli Vitran Nigam Ltd.
and others

....Appellants

Versus

Vinod Kumar and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

Present: Mr.Sumit Jain, Advocate
for the appellants.

...

MAHESH GROVER, J. (Oral)

This appeal is directed against the judgment of the learned Single Judge dated 02.08.2016 as also a subsequent order dated 15.11.2016 passed in Review Application.

The appellants question the decision in favour of the respondent/writ petitioner who had approached this Court with a plea that he has been ignored for promotion to the post of Junior Engineer because his name had not been included in the ranking list whereas the present proforma respondents who were respondents No.5 and 6 in the writ proceedings were promoted to steal a march over him.

The fact of the writ petitioner being eligible and senior is not disputed. The only plea raised before us is that he did not apply before the cut off date. The case of the writ petitioner was

declined by the Nigam itself vide order dated 04.04.2014 to which a challenge was mounted in the writ proceedings. The reason assigned in the order was that he did not submit a representation by the cut off date i.e. 31.07.2011.

The learned Single Judge accepted the plea to upset the impugned order in the writ petition by stating that once a person was eligible and entitled for promotion, there was absolutely no necessity of making an application when the quota for the same was prescribed and it was for the employer to scan the list of eligible persons to enable them to promotion and with this reasoning we cannot find any fault as accepting any other plea as raised by the appellants would imply frustration of the claim of a deserving candidate for promotion.

No ground for interference is made out.

Apart from this, the appeal is also barred by 89 days which we do not intend to condone in the absence of any plausible explanation.

Dismissed.

(MAHESH GROVER)
JUDGE

09.08.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No