

HIGH COURT OF CHHATTISGARH, BILASPUR
WP No.3469 of 2005

1. T.K. Sharma, S/o. Late Shri J.P. Sharma, aged about 45 years, Occupation-Service, presently posted as Assistant Engineer (Generation), CSEB, Korba Super Thermal Plant, Korba West, Distt. Korba (CG)
2. K.R. Krishna Rao, S/o Shri K. Laxman Murti, aged 44 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, Head Office, Dangania Raipur (Chhattisgarh)
3. D.P. Baheswar, S/o Late M.D. Baheshwar, aged about 47 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, H T P S, Korba West, District Korba (Chhattisgarh)
4. Rajiv Kr Srivastava, S/o Late M. L. Shrivastava, aged about 44 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, K T P S, Korba East, District Korba (Chhattisgarh)
5. R.N. Sharma S/o Late Shri B.L. Sharma, aged about 46 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, H T P S, Korba West, District Korba (Chhattisgarh)
6. A.K. Chandrakar, S/o Shri J.P. Chandrakar, aged about 44 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, H T P S, Korba West, District Korba (Chhattisgarh)
7. Sajij Nafees S/o Shri N.A. Saddiqui, aged about 44 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, H T P S, Korba West, District Korba (Chhattisgarh)
8. A.K. Upadhyaya, S/o Late B.P. Upadhyaya, aged about 47 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, H T P S, Korba West, District Korba (Chhattisgarh)
9. M.K. Singhai, S/o Shri K.C. Singhai, aged about 44 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, H T P S, Korba West, District Korba (Chhattisgarh)
10. O.P. Pandey, S/o Shri R.N. Pandey, aged about 44 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, H T P S, Korba West, District Korba (Chhattisgarh)
11. B.D. Dhanwani, S/o Shri K.G. Dhanwani, aged about 44 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, H T P S, Korba West, District Korba (Chhattisgarh)
12. S.K. Choubey, S/o Late Shri V.S. Choubey, aged about 44 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, H T P S, Korba West, District Korba (Chhattisgarh)
13. M.K.Patel, S/o Shri A.P.Patel, aged about 44 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, KTPS, Korba East, District Korba (Chhattisgarh)
14. Munna Lal Sharma, S/o Shri S.R. Sharma aged about 43 years, Occupation - Service, presently posted as Assistant Engineer

(Generation), CSEB, Korba Super Thermal Plant, Korba East, Distt. Korba (CG)

- 15.** Virendra Singh, S/o Shri D.P. Verma, aged about 41 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, Korba Super Thermal Plant, Korba East, Distt. Korba (CG)
- 16.** Deepak Biswas, S/o Shri K. J. Biswas, aged about 43 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, H T P S, Korba West, District Korba (Chhattisgarh)
- 17.** Ravishankar Burla, S/o Late Shri B.S. Rao, aged about 43 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, H T P S, Korba West, District Korba (Chhattisgarh)
- 18.** Badri Prasad Sahu, S/o Shri A.K. Sahu, aged about 44 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, H T P S, Korba West, District Korba (Chhattisgarh)
- 19.** Rajendra Badgujar, S/o Shri B. Badgujar, aged about 44 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, H T P S, Korba West, District Korba (Chhattisgarh)
- 20.** Sarthi Karkare, S/o Shri C.G. Karkare, aged about 43 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, H T P S, Korba West, District Korba (Chhattisgarh)
- 21.** Narendra Kumar Jain S/o Shri G.C. Jain, aged about 44 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, H T P S, Korba West, District Korba (Chhattisgarh)
- 22.** M.R. Sahu, S/o Late Shri G.R. Sahu, aged about 47 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, H T P S, Korba West, District Korba (Chhattisgarh)
- 23.** Narendra Shrivastava, S/o Late RD Shrivastava, aged about 44 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, H T P S, Korba West, District Korba (Chhattisgarh)
- 24.** M.L. Swarnakar, S/o Late M.C. Swarnakar, aged about 43 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, H T P S, Korba West, District Korba (Chhattisgarh)
- 25.** Ravindra Vinayak Khadakkar S/o VK Khadakkar, age about 47 yers, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, K T P S, Korba East, District Korba (Chhattisgarh)
- 26.** Rahim Bux Sheikh, S/o Shri Husseein Bux, aged about 44 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, H T P S, Korba West, District Korba (CG)
- 27.** H.K. Bhayadiya, S/o shri H.L. Bhayadiya, aged about 49 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, H T P S, Korba West, District Korba (CG)
- 28.** D.K. Chandrakar S/o Shri B.L. Chandrakar, aged 46 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, HTPS, Korba(W), District Korba (Chhattisgarh)

- 29.** Vasant Kumar Srivas, S/o Late Kalka Prasad, aged 44 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, KTPS, Korba West, Distt. Korba (CG)
- 30.** Puran Lal Atare, S/o Shri N. Atare, aged about 45 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, KTPS, Korba East, Distt. Korba (CG)
- 31.** Y.P. Chandorikar, S/o. Shri P.D. Chandorikar, aged 44 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, KTPS, Korba West, Distt. Korba (CG)
- 32.** A.K. Namdeo, S/o Late Shri C.L. Namdeo, aged 45 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, HTPS, Korba West, Distt. Korba (CG)
- 33.** W.S. Rao, S/o Late Shri W.V. Prasad Rao, aged 44 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, HTPS, Korba West, Distt. Korba (CG)
- 34.** P.K. Jain, S/o Shri S.C. Jain, aged about 44 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, HTPS, Korba West, Distt. Korba (CG)
- 35.** R.P. Patil, S/o Late Dhannu Patil, aged about 45 years, Occupation - Service, presently posted as Assistant Engineer (Generation), CSEB, HTPS, Korba West, Distt. Korba (CG)
- 36.** SB Tiwari, S/o Shri Hari Mohan Tiwari, aged 45 years, posted as Assistant Engineer (Gen.) CSEB, KTPS, Korba East, Distt. Korba (CG)
- 37.** M.L. Sahu S/o Shri M.R. Sahu, aged about 44 years, posted as Assistant Engineer (Gen.) CSEB, HTPS, Korba West, Distt. Korba (CG)
- 38.** Y.K. Dixit, S/o Shri H.N. Dixit, aged about 42 years, posted as Assistant Engineer (Gen.) CSEB, HTPS, Korba West, Distt. Korba (CG)
- 39.** Venkat Swami, S/o Late K. Appanna, aged 48 years, Assistant Engineer (Gen.) CSEB, HTPS, Korba West, Distt. Korba (CG)
- 40.** B.K. Gupta S/o J.C. Gupta, aged about 46 years, Posted as Assistant Engineer (Gen.) CSEB, HTPS, Korba West, Distt. Korba (CG)
- 41.** N.K. Sohani, S/o M.L. Sonai, aged about 44 years, posted as Assistant Engineer (Gen.) CSEB, KTPS, Korba East, Distt. Korba (CG)
- 42.** A.K. Jha, S/o Late S.P. Jha, aged about 47 years, posted as Assistant Engineer (Gen.) CSEB, KTPS, Korba East, Distt. Korba (CG)
- 43.** B.L. Gupta S/o Late KL Gupta, aged about 46 years, posted as Assistant Engineer (Gen.) CSEB, HTPS, Korba West, Distt. Korba (CG)
- 44.** C.S. Gurjar, S/o Lat VR Gurjar, aged about 46 years, posted as Assistant Engineer (Gen.) CSEB, HTPS, Korba West, Distt. Korba (CG)
- 45.** R.K. Sao, S/o Shri K.R. Sao, aged about 44 years, posted as Assistant Engineer (Gen.) CSEB, KTPS, Korba East, Distt. Korba (CG)
- 46.** R.K. Agrawal, S/o Late K.L. Agrawal, aged 43 years, Assistant Engineer (Gen.) CSEB, KTPS, Korba East, Distt. Korba (CG)
- 47.** R.K. Sahare, S/o N.L. Sahare, aged about 48 years, Assistant Engineer (Gen.) CSEB, KTPS, Korba East, Distt. Korba (CG)
- 48.** C.S. Kanwalkar, S/o Raja Ram, aged about 43 years, Assistant Engineer (Gen.) CSEB, KTPS, Korba East, Distt. Korba (CG)
- 49.** J.R. Sahu, S/o M.R. Sahu, aged about 45 years, Assistant Engineer (Gen.) CSEB, HTPS, Korba West, Distt. Korba (CG)

50. K.K. Nema, S/o Shri SD Nema, aged about 44 years, Assistant Engineer (Gen.) CSEB, HTPS, Korba West, Distt. Korba (CG)
51. K.L. Kashyap, S/o Late C.L. Kashyap, aged 44 years, Assistant Engineer (Gen.) CSEB, KTPS, Korba East, Distt. Korba (CG)
52. G.V. Deshmukh, S/o Shri V.R. Deshmukh, aged 44 years, Assistant Engineer (Gen.) CSEB, HTPS, Korba East, Distt. Korba (CG)
53. R.P. Tiwari S/o S.P. Tiwari, aged about 44 years, Assistant Engineer (Gen.) CSEB, HTPS, Korba East, Distt. Korba (CG)
54. M.L. Bhavsar, S/o Shri N.R. Bhavsar, aged about 48 years, Assistant Engineer (Gen.) CSEB, KTPS, Korba East, Distt. Korba (CG)
55. R.K. Shrivastava S/o Late J.P. Shrivastava, aged 47 years, Assistant Engineer (Gen.) CSEB, HTPS, Korba West, Distt. Korba (CG)
56. R.G. Gupta S/o Shri S.P. Gupta, aged about 46 years, posted as Assistant Engineer (Gen.) CSEB, HTPS, Korba East, Distt. Korba (CG)
57. Virendra Sharma S/o Late H.B. Sharma, aged about 47 years, Assistant Engineer (Gen.) CSEB, HTPS, Korba West, Distt. Korba (CG)
58. Jeetendra Khatri, S/o Shri R.M. Khatri, aged about 48 years, Assistant Engineer (Gen.) CSEB, HTPS, Korba West, Distt. Korba (CG)
59. B.P. Sahu S/o Shri Hira Lal Panda, aged about 47 years, Assistant Engineer (Gen.) CSEB, HTPS, Korba West, Distt. Korba (CG)
60. H.S. Agrawal, S/o Shri V.K. Agrawal, aged about 44 years, Assistant Engineer (Gen.) CSEB, KTPS, Korba East, Distt. Korba (CG)
61. G.P. Gupta S/o Shri S.P. Gupta, aged about 44 years, posted as Assistant Engineer (Gen.) CSEB, HTPS, Korba West, Distt. Korba (CG)
62. M.S. Pawar, S/o Late Shri M Satish Pawar, aged 49 years, Assistant Engineer (Gen.) CSEB, HTPS, Korba West, Distt. Korba (CG)
63. V.K. Mishra, S/o Shri S.P. Mishra, aged about 44 years, Assistant Engineer (Gen.) CSEB, KTPS, Korba East, Distt. Korba (CG)
64. K.K. Sharma, S/o Shri K.C. Sharma, aged about 44 years, Assistant Engineer (Gen.) CSEB, KTPS, Korba East, Distt. Korba (CG)
65. S.K. Gavshinde, S/o Shri Rama Kant Gavshinde, aged 47 years, Assistant Engineer (Gen.) CSEB, KTPS, Korba East, Distt. Korba (CG)
66. R.K. Kurmi, S/o Shri K.R. Kurmi, aged about 43 years, posted as Assistant Engineer (Gen.) CSEB, HTPS, Korba West, Distt. Korba (CG)
67. R.N. Srivas, S/o Late Budhram Srivas, aged about 44 years, Assistant Engineer (Gen.) CSEB, HTPS, Korba West, Distt. Korba (CG)
68. B.K. Sao, S/o Shri R.K. Sao, aged about 45 years, posted as Assistant Engineer (Gen.) CSEB, HTPS, Korba West, Distt. Korba (CG)
69. Subhddh Kumar Gaur, S/o Late CS Gaur, aged about 49 years, Assistant Engineer (Gen.) CSEB, KTPS, Korba East, Distt. Korba (CG)
70. C.L. Jaiswal S/o Late Shri A.P. Jaiswal, aged about 44 years, Assistant Engineer (Gen.) CSEB, HTPS, Korba West, Distt. Korba (CG)

---- Petitioners

Versus

1. Chhattisgarh State Power Holding Company Ltd., having its registered Office at Sewa Bhawan, Dangania, Raipur (Chhattisgarh) through its Managing Director
2. The Joint Secretary (P) – II, Chhattisgarh State Electricity Board, Dangania, Raipur, Dist. Raipur (Chhattisgarh)
3. Rakesh Jain, Asstt. Engineer, Chhattisgarh State Electricity Board, KSTP, Korba East, Distt. Korba (Chhattisgarh)
4. M.K. Agrawal, Asstt. Engineer, Chhattisgarh State Electricity Board, KSTP, Korba, West, Distt. Korba (Chhattisgarh)
5. Superintending Engineer (Ops-II) Chhattisgarh State Electricity Board H T P S, Korba (CG)
6. M.L. Sahu, Asstt. Engineer Chhattisgarh State Electricity Board, KSTP, Korba East, Distt. Korba (Chhattisgarh)

---- Respondents

For Petitioners	: Mr.Ashish Shrivastava, Advocate
For Respondents No.1&2	: Mr.Abhishek Sinha, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

10/8/2018

1. Erstwhile Madhya Pradesh Electricity Board decided in principle to extend the benefit of Time-Bound Promotion to its Junior Engineers working with it to relieve frustration on account of their stagnation on the post of Junior Engineers and floated a scheme of Time-Bound Promotion by order dated 7.5.1999 and accordingly, the writ petitioners except petitioners No.28 and 66 were granted benefit of promotion under Time-Bound Promotion Scheme (hereinafter called as 'TBP Scheme') by order dated 7.10.1999 and ultimately, they were absorbed on the post of Assistant Engineer by different orders commencing from 17.5.2000 to 23.2.2004 and thereafter in compliance of their order of absorption, they assumed the charge of substantive post of Assistant Engineer and were placed in gradation list of Assistant Engineer accordingly by newly formed Chhattisgarh Electricity Board as on 1.4.2007. Though the petitioners were promoted under TBP Scheme, but they were

continued to function and discharge the duties of Junior Engineer till they were absorbed on the substantive vacant post of Assistant Engineer. Thereafter, they made a representation for granting seniority with effect from the date of granting benefit of promotion on the post of Assistant Engineer under TBP Scheme, which was rejected by order dated 23.2.2005 Annexure P/1) leading to filing of the writ petition claiming setting aside of order rejecting representation and also claiming seniority from 7.10.1999 on the post of Assistant Engineer with all consequential benefits and also quashing of the order dated 18.7.2005 (Annexure P/20) by which respondent No.5 has been placed over and above the petitioners.

- 2.** Return has been filed by the Electricity Board opposing the writ petition stating inter-alia that by way of TBP Scheme only higher pay grade was extended to the petitioners and they were holding and performing the post of Junior Engineer till they were absorbed on vacant post of Assistant Engineer by the order so issued to that effect from 17.5.2000 to 23.2.2004, they assumed the office of Assistant Engineer immediately thereafter and they were granted benefit of TBP Scheme after having been assumed the charge of Assistant Engineer, as such, they are not entitled for seniority on the post to which they were given benefit under TBP Scheme, as such, the writ petition deserves to be dismissed.
- 3.** Mr.Ashish Shrivastava, learned counsel for the petitioner, would submit that the petitioners were promoted under TBP scheme on 7.10.1999 and since then, they were performing the duties on the post of Assistant Engineer, they have been granted promotion under TBP Scheme against vacant post, therefore, they will be

entitled for seniority from the date of granting benefit of promotion under TBP Scheme that is 7.10.1999 and even their representation has been rejected by unreasoned and non-speaking order which deserves to be set aside and the respondents be commanded to grant them seniority w.e.f. 7.10.1999.

4. Mr. Abhishek Sinha, learned counsel for respondents No.1 and 2 while vehemently opposing the submission made on behalf of petitioners would submit that stipulation in the Time Bound Promotion Scheme clearly provides that Junior Engineer so promoted shall continue to be in the cadre of Junior Engineer even after Time-Bound Promotion to the post of Assistant Engineer until/unless they were absorbed as Assistant Engineer against vacant posts of Assistant Engineer and memo dated 3.2.2001 (Annexure P/4) clearly provides that promotions made under TBP Scheme shall not be considered for determination of seniority and the Assistant Engineer(s) given promotion under such post shall continue to be in the seniority list of the post from which they were promoted under the scheme. He would further submit that the petitioners were absorbed between 17.5.2000 to 23.2.2004 and they were not holding the substantive post of Assistant Engineer on promotion to the post of Assistant Engineer as they have been given promotion under TBP Scheme, thereafter they were absorbed and subsequently they assumed the office on the substantive post of Assistant Engineer after absorption, which is apparent from gradation list published on 1.4.2007, therefore, they are entitled for seniority from their respective dates of joining after the order of absorption, as such, the writ petition deserves to be dismissed with cost.

5. I have heard learned counsel for the parties and considered their rival submissions made hereinabove and also gone through the records with utmost circumspection.

6. Erstwhile Madhya Pradesh Electricity Board decided to grant promotion to the Junior Engineers on the post of Assistant Engineers under TBP Scheme with following stimulations:-

“i) A Junior Engineer (JE) who has completed 15 years of service including training period should be promoted to the post of Assistant Engineer (AE) subject to fulfilment of criteria of promotion.

ii) A JE promoted as AE, however, will carry out the same duties and functions of JE he was doing earlier. He would be a class II officer.

iii) In the event of vacancies arising at the level of AE either on account of promotion/retirement or on creation of posts, he would be absorbed against the regular vacancies of AE.

iv) He will continue the work at the same place with the duties and functions of JE. Once he is absorbed against regular vacancy of AE, he will have the powers and functions of AE.

v) The S.E., presently the disciplinary authority of the JEs will continue to be the disciplinary authority of the JE promoted to the post of AE, till absorption against regular vacancy.”

A careful perusal of the above-stated TBP Scheme would show that it has clearly stipulated under TBP Scheme that Junior Engineers who have completed 15 years of service would be promoted to the post of Assistant Engineer subject to fulfilment of criteria of promotion upon the availability of posts of Assistant Engineer. It has also been made clear that Junior Engineer so promoted shall have powers and functions of Assistant Engineer only upon absorption to the post of Assistant Engineer and till then, they shall have powers and functions of Junior Engineer and until such

absorption, the persons would continue to hold Class II post and the Superintending Engineer (SE) shall continue to be the disciplinary authority.

- 7.** Likewise, the circular dated 3.2.2001 (Annexure P/14) states their seniority as under:-

“समयबद्ध पदोन्नति योजना के अंतर्गत पदोन्नत अधिकारियों/कर्मचारियों की वरिष्ठता के निर्धारण बाबत कतिपय स्पष्टीकरण चाहे गये हैं। इस संबंध में विचारोपरान्त मण्डल द्वारा निर्णय लिया गया है कि वरिष्ठता सूची का प्रकाशन मूल पद के अनुरूप ही किया जाए। समयबद्ध पदोन्नति योजना के अंतर्गत हुई पदोन्नति की वरिष्ठता सूची के लिए प्रभावी नहीं माना जाए, तथापि मूल पद में ही रिमार्क कालम में समयबद्ध पदोन्नति का प्रभाव दर्शा दिया जाए। उदाहरणार्थ अधीक्षण अभियंता {TBPS} को कार्यपालन अभियंता के ही मूल पद पर वरिष्ठता सूची में रखा जाए और रिमार्क कालम में अधीक्षण अभियंता {TBPS} अंकित किया जाए। इसी तरह की प्रक्रिया अधिकारियों/कर्मचारियों के अन्य सवर्गों की वरिष्ठता सूचियों में भी अपनाई जाए।”

A careful perusal of the circular dated 3.2.2001 (Annexure P/14) would show that promotions made under TBP Scheme shall not be considered for determination of seniority and the persons given promotion under such post shall continue to be in the seniority list of the post from which they were promoted under the scheme.

- 8.** Accordingly, as per TBP Scheme, the petitioners were extended benefit of TBP Scheme and were promoted by order dated 7.10.1999, which has been filed along with the writ petition. A chart showing dates of granting TBP Scheme to the petitioners, dates of absorption and dates of assuming the charge on substantive post of Assistant Engineer is as below:-

Sr. No.	Petitioner	Date of granting benefit under TBPS	Date of Absorbtion Order on the Post of Assistant Engineer	Date of Assuming charge on the Substantive post of AE after absorbtion as reflected from the provisional gradation list
1	T.K. Sharma	07/10/1999 pg. 53	03/09/2003 pg. 78	10/09/2003 pg. 137
2	K.R. Krishna Rao	07/10/1999 pg. 52	05/05/2003 pg. 84	08/05/2003 pg. 137
3	D.P. Baheswar	07/10/1999 pg. 50	17/05/2000 pg. 66	03/06/2000 pg. 136
4	Rajiv Kr. Shrvastava	07/10/1999 pg. 51	05/05/2003 pg. 83	05/05/2003 pg. 137
5	R.N. Sharma	07/10/1999 pg. 51	05/05/2003 pg. 83	09/09/2003 pg. 137
6	A.K. Chandrakar	07/10/1999 pg. 52	05/05/2003 pg. 83	09/09/2003 pg. 137
7	Sajid Nafees	07/10/1999 pg. 52	05/05/2003 pg. 83	11/09/2003 pg. 137
8	A.K. Upadhyaya	07/10/1999 pg. 52	05/05/2003 pg. 83	05/05/2003 pg. 137
9	M.K. Singhai	07/10/1999 pg. 52	05/05/2003 pg. 83	09/09/2003 pg. 137
10	O.P. Pandey	07/10/1999 pg. 52	05/05/2003 pg. 83	13/05/2003 pg. 137
11	B.D. Dhanwani	07/10/1999 pg. 52	05/05/2003 pg. 83	09/09/2003 pg. 137
12	S.K. Choubey	07/10/1999 pg. 52	05/05/2003 pg. 83	30/07/2003 pg. 137
13	M.K. Patel	07/10/1999 pg. 52	05/05/2003 pg. 83	23/05/2003 pg. 137
14	Mannu Lal Sharma	07/10/1999 pg. 52	05/05/2003 pg. 83	05/05/2003 pg. 137
15	Virendra Singh	07/10/1999 pg. 52	05/05/2003 pg. 83	05/05/2003 pg. 137
16	Deepak Biswas	07/10/1999 pg. 52	05/05/2003 pg. 83	13/05/2003 pg. 137
17	Ravishankar Burla	07/10/1999 pg. 52	05/05/2003 pg. 84	13/05/2003 pg. 137
18	Badri Prasad Sahu	07/10/1999 pg. 52	05/05/2003 pg. 84	06/05/2003 pg. 137
19	Rajendra Badgujar	07/10/1999 pg. 52	05/05/2003 pg. 84	20/05/2003 pg. 137
20	Sarathi Karkare	07/10/1999 pg. 52	05/05/2003 pg. 84	15/05/2003 pg. 137
21	Narendra Kumar Jain	07/10/1999 pg. 52	05/05/2003 pg. 84	13/05/2003 pg. 137

22	M.R. Sahu	07/10/1999 pg. 52	05/05/2003 pg. 84	13/05/2003 pg. 137
23	Narendra Shrivastava	07/10/1999 pg. 52	05/05/2003 pg. 84	02/06/2003 pg. 137
24	M.L. Swarnakar	07/10/1999 pg. 52	03/09/2003 pg. 78	06/09/2003 pg. 137
25	Ravindra Vinayak Khadakkar	07/10/1999 pg. 53	03/09/2003 pg. 78	10/09/2003 pg. 137
26	Rahim Bux Sheikh	07/10/1999 pg. 53	03/09/2003 pg. 78	03/09/2003 pg. 137
27	H.K. Bhayadiya	07/10/1999 pg. 53	03/09/2003 pg. 78	09/09/2003 pg. 137
28	D.K. Chandrakar	N/A	03/09/2003 pg. 78	12/09/2003 pg. 137
29	Vasant Kumar Srivas	07/10/1999 pg. 53	03/09/2003 pg. 78	08/09/2003 pg. 137
30	Puran Lal Atare	07/10/1999 pg. 53	03/09/2003 pg. 79	11/09/2003 pg. 138
31	Y.P. Chandorikar	07/10/1999 pg. 53	03/09/2003 pg. 78	09/09/2003 pg. 137
32	A.K. Namdeo	07/10/1999 pg. 53	03/09/2003 pg. 78	13/09/2003 pg. 138
33	W.S. Rao	07/10/1999 pg. 53	03/09/2003 pg. 78	11/09/2003 pg. 138
34	P.K. Jain	07/10/1999 pg. 53	03/09/2003 pg. 78	08/09/2003 pg. 138
35	R.P. Patil	07/10/1999 pg. 53	03/09/2003 pg. 78	09/09/2003 pg. 138
36	S.B. Tiwari	07/10/1999 pg. 53	03/09/2003 pg. 78	09/09/2003 pg. 138
37	M.L. Sahu	07/10/1999 pg. 53	03/09/2003 pg. 79	10/09/2003 pg. 138
38	Y.K. Dixit	07/10/1999 pg. 53	03/09/2003 pg. 79	08/09/2003 pg. 138
39	Venkat Swami	07/10/1999 pg. 53	03/09/2003 pg. 79	08/09/2003 pg. 138
40	B.K. Gupta	07/10/1999 pg. 53	03/09/2003 pg. 79	08/09/2003 pg. 138
41	N.K. Sohani	07/10/1999 pg. 53	03/09/2003 pg. 79	10/09/2003 pg. 138
42	A.K. Jha	07/10/1999 pg. 53	03/09/2003 pg. 79	10/09/2003 pg. 138
43	B.L. Gupta	07/10/1999 pg. 53	03/09/2003 pg. 79	09/09/2003 pg. 138
44	C.S. Gurjar	07/10/1999 pg. 53	03/09/2003 pg. 79	08/09/2003 pg. 138
45	R.K. Sao	07/10/1999 pg. 53	03/09/2003 pg. 79	08/09/2003 pg. 138
46	R.K. Agrawal	07/10/1999 pg. 53	03/09/2003 pg. 79	10/09/2003 pg. 138
47	R.K. Sahare	07/10/1999 pg. 53	03/09/2003 pg. 79	10/09/2003 pg. 138
48	C.S. Kanwalkar	07/10/1999 pg. 53	03/09/2003 pg. 79	10/09/2003 pg. 138

49	J.R. Sahu	07/10/1999 pg. 53	03/09/2003 pg. 79	09/09/2003 pg. 138
50	K.K. Nema	07/10/1999 pg. 53	03/09/2003 pg. 79	10/09/2003 pg. 138
51	K.L. Kashyap	07/10/1999 pg. 54	23/02/2004 pg. 81	08/03/2004 pg. 138
52	G.V. Deshmukh	07/10/1999 pg. 54	23/02/2004 pg. 81	09/03/2004 pg. 138
53	R.P. Tiwari	07/10/1999 pg. 54	23/02/2004 pg. 81	08/03/2004 pg. 138
54	M.L. Bhavsar	07/10/1999 pg. 54	23/02/2004 pg. 81	08/03/2004 pg. 138
55	R.K. Shrivastava	07/10/1999 pg. 54	23/02/2004 pg. 81	15/03/2004 pg. 138
56	R.G. Gupta	07/10/1999 pg. 54	23/02/2004 pg. 81	08/03/2004 pg. 138
57	Virendra Sharma	07/10/1999 pg. 54	23/02/2004 pg. 81	09/03/2004 pg. 138
58	Jeetendra Khatri	07/10/1999 pg. 54	23/02/2004 pg. 81	14/03/2004 pg. 138
59	B.P. Sahu	07/10/1999 pg. 54	23/02/2004 pg. 81	09/03/2004 pg. 138
60	H.S. Agrawal	07/10/1999 pg. 54	23/02/2004 pg. 81	09/03/2004 pg. 138
61	G.P. Gupta	07/10/1999 pg. 54	23/02/2004 pg. 81	10/03/2004 pg. 138
62	M.S. Pawar	07/10/1999 pg. 54	23/02/2004 pg. 81	09/03/2004 pg. 138
63	V.K. Mishra	07/10/1999 pg. 54	23/02/2004 pg. 81	08/03/2004 pg. 138
64	K.K. Sharma	07/10/1999 pg. 54	23/02/2004 pg. 81	09/03/2004 pg. 138
65	S.K. Gavshinde	07/10/1999 pg. 54	23/02/2004 pg. 81	08/03/2004 pg. 138
66	R.K. Kurmi	N/A	23/02/2004 pg. 81	08/03/2004 pg. 138
67	R.N. Srivas	07/10/1999 pg. 54	23/02/2004 pg. 81	08/03/2004 pg. 138
68	B.K. Sao	07/10/1999 pg. 54	23/02/2004 pg. 81	09/03/2004 pg. 138
69	Subhddh Kumar Gaur	07/10/1999 pg. 54	23/02/2004 pg. 81	09/03/2004 pg. 138
70	C.L. Jaiswal	07/10/1999 pg. 54	23/02/2004 pg. 81	10/03/2004 pg. 138

Immediately thereafter the petitioners assumed the office and they have been given seniority accordingly and gradation list has been published as on 1.4.2007.

9. Now the question for consideration would be whether the petitioners are entitled for seniority on the post of Assistant Engineer with effect from the dates of granting promotion on that post under TBP Scheme w.e.f. 7.10.1999 or from the dates of their

assuming office on the post of Assistant Engineer after order of absorption.

10. In order to decide the plea raised at the Bar, it would be appropriate to consider the meaning of Time-Bound Promotion. Time-bound promotions is a grant of higher pay scale to the persons holding the post as on account of large number of employees who are not likely to get their promotion in the near future because of their comparatively low position in the seniority list and in order to relieve frustration among them, the employees are to be given a higher grade in terms of emoluments while retaining them in the same category. Such a time-bound promotion does not affect the normal seniority of those higher up.

11. The Supreme Court in the matter of **Dwijen Chandra Sarkar and another v. Union of India and others**¹ highlighting the object of time-bound promotions pertinently observed as under:-

“11. However, the position in regard to “time-bound” promotions is different. Where there are a large number of employees in any department and where the employees are not likely to get their promotion in the near future because of their comparatively low-position in the seniority list, the Government has found it necessary that in order to remove frustration, the employees are to be given a higher grade in terms of emoluments - while retaining them in the same category. This is what is generally known as the time bound promotion. Such a time-bound promotion does not affect the normal seniority of those higher up.”

12. The Supreme Court in the matter of **Union of India and others v. M. Mathivanan**² followed the principles laid down in **Dwijen Chandra Sarkar** (supra) with approval.

1 (1999) 2 SCC 119

2 (2006) 6 SCC 57

13. In the matter of **Sanjay K. Sinha-II and others v. State of Bihar and others**³, Their Lordships of the Supreme Court have held that in order to become a member of the service the person concerned has to satisfy at least two conditions - first, appointment must be in substantive capacity, and second, the appointment has to be to the post in the service according to the Rules and within the quota to a substantive vacancy.

14. Finally, in the matter of **Sunaina Sharma and others v. State of Jammu and Kashmir and others**⁴ the Supreme Court has held that normally seniority must be reckoned only from the date person entered into service after noticing the earlier judgments on the point and held as under:-

“15. From the judgments referred to hereinabove it is apparent that the normal rule is that a person is entitled to seniority only from the date when the said person actually joins the post. True it is, that there are exceptions and sometimes “in service” candidates can be granted promotion from a date anterior to their being regularly promoted/appointed. However, this can be done only if the rules enable retrospective appointment and on fulfilling the other requirement of the Rules.”

15. After having noticed the meaning and purport of Time-Bound Promotion and principles governing grant of seniority, reverting to the facts of the present case, it appears that the petitioners were working on the post of Junior Engineer since more than 15 years and in order to relieve frustration among them on account of stagnation on the post of Junior Engineer, the erstwhile Madhya Pradesh Electricity Board decided to grant benefit of promotion under TBP Scheme in which the petitioners were promoted to the

³ (2004) 10 SCC 734

⁴ (2018) 11 SCC 413

post of Assistant Engineer under TBP Scheme subject to fulfilment of necessary qualification for the post of Assistant Engineer, but it has clearly been provided that till their absorption on the vacant post of Assistant Engineer they would continue to work in original post of Junior Engineer, as such, they were only given next higher grade in terms of emoluments while retaining them in the cadre of Junior Engineer as it was only and only Time-Bound Promotion without affecting their normal seniority. The petitioners were absorbed on the post of Assistant Engineer between 17.5.2000 to 23.2.2004 as mentioned in the list annexed with the order with their respective dates and immediately they have assumed the charge on the post of Assistant Engineer and then given them seniority from the date of their assuming the charge on the substantive post of Assistant Engineer after absorption and their seniority have been counted after assuming the charge on the post of Assistant Engineer after absorption, which is shown in the gradation list as published on 1.4.2007, as such, they are entitled for seniority as per TBP Scheme and settled principle of law on the post of Assistant Engineer on their joining pursuant to the order of absorption on the post of Assistant Engineer.

- 16.** Mr.Ashish Shrivastava heavily relied upon the decision rendered by the Madhya Pradesh High Court in **Ramprakash Pal v. M.P. State Electricity Board and others** (W.P.No.108/2006), decided on 28.2.2006 stating that the petitioners herein are similarly placed. In that case, the writ petitioners were granted benefit of TBP Scheme from 7.10.1999 and 6.12.1999 and thereafter they were absorbed by order dated 16.10.2000 issued by the Electricity Board on vacant post of Assistant Engineer,

however, they were given promotion on the post of Assistant Engineer on 9.12.2005 and 3.1.2006. That writ petition was allowed and subsequent promotion orders dated 9.12.2005 and 3.1.2006 were quashed holding that the writ petitioners therein were entitled for promotion of the benefit w.e.f. 16.10.2000 i.e. the date of their absorption. In this case also, the petitioners were given seniority immediately their assuming the post of Assistant Engineer after absorbing on the post of Assistant Engineer. The facts of the case of **Ramprakash Pal** (supra) are distinguishable to the facts of the present case.

- 17.** In view of above-stated analysis, I do not find any merit in this writ petition.
- 18.** As a fallout and consequence of the above-stated discussion, the writ petition deserves to be and is hereby dismissed leaving the parties to bear their own cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-