

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.15966 of 1994 (O&M)
Date of decision: February 05, 2018

Kewal Krishan Electrician

....Petitioner

versus

Bhakhra Beas Management Board, Chandigarh and others

...Respondents

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

Present: None for the petitioner.

Mr. Vikas Suri, Advocate for respondents No.1 & 2.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, the petitioner has prayed that he is entitled to be promoted to the post of Foreman w.e.f. 22.07.1993, the date on which his juniors-respondents No.3 and 4 were promoted.

Undisputedly, the respondents have not placed on record the material relating to regulations governing the various posts like Electrician, Armature Winder and Foreman (Electrician) prior to 22.07.1993. It is also undisputed that the petitioner is much senior to respondents No.3 & 4 having regard to the date of entry into service as Electrician that the petitioner has entered on 04.10.1972 whereas one-Ramesh Kumar has entered on 14.08.1978. The petitioner's services were regularized on the post of Electrician w.e.f. 01.08.1983 whereas no material has been placed on record to show that Ramesh Kumar, since his services were regularized in the cadre of Electrician on the other hand, there is no material to show that Ramesh Kumar has entered as Electrician on work charge basis on 14.08.1978 and further as Armature Winder on 01.08.1980 on work charge basis and ultimately he was regularized in the cadre of Armature Winder on 01.08.1988. No incriminating evidence has been placed on record to

show that how he had entered as Armature Winder i.e. the feeder cadre to the post of Foreman (Electrician). At this juncture, learned counsel for respondents No.2 & 3, on instructions from Sh.Mukesh Kumar, Resident Engineer, BBMB, Chandigarh submitted that regulations prior to 22.07.1983 are not available. Irrespective of availability of regulations, it is evident from the service particulars of the petitioner and one-Ramesh Kumar that petitioner is six years senior in the cadre of Electrician. Therefore, the petitioner is entitled to have benefit of promotion and service benefits on par with Ramesh Kumar to the cadre of Armature Winder, Foreman (Electrician) and Foreman Special (Electrician) w.e.f. 05.08.1988, 22.07.1993 and 07.08.2007. The concerned respondents are hereby directed to extend promotional benefits on par with Ramesh Kumar to all the three cadres from the date on which Ramesh Kumar was promoted. Further the respondents are hereby directed to fix the pay of the petitioner in all the three cadres to the extent of arrears of pay, which shall be calculated and disbursed to the petitioner within a period of six months from today.

Petition stands allowed.

It is reliably learnt that the petitioner had attained the age of superannuation and retired from service, in that event, the concerned respondent is hereby directed to refix his pension and also extend arrears of pension within the above stipulated period failing which petitioner is entitled to interest @ 6% p.a. on all arrears of amount from today.

February 05, 2018

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**(P.B. BAJANTHRI)
JUDGE**

Whether speaking/reasoned?

Yes

Whether reportable?

No