

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

CWP No. 13727 of 2014.

Date of Decision: 14.11.2018.

Ranvir Singh and another

... Petitioners

Versus

Punjab State Power Corporation Limited and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. H.S. Saggu, Advocate,
for the petitioners.

Mr. B.S. Mittal, Advocate,
for the respondents-PSPCL.

JITENDRA CHAUHAN.J.

Through the instant civil writ petition, the petitioners seek quashing of orders dated 30.05.2014 (Annexure P-13 and P-14) passed by respondent No.2 vide which the benefit of deemed promotion granted to the petitioners has been withdrawn.

Petitioner No.1, Ranvir Singh was appointed as Gateman in the year 1980 while petitioner No.2, Rohtas was appointed as Sweeper in 1978. Thereafter, their services were regularised and they were promoted as Assistant Linemen in the year 1989. After about 25 years of their service, the benefit of promotion has been withdrawn from the petitioners on the ground that they cannot be given the benefit of judgment and decree dated 08.06.1995 passed in Bhupinder Singh's case because the said judgment was a decision in personam.

It is contended that said Bhupinder Singh filed civil suit and the same was decreed vide judgment and decree dated 08.06.1995. He was promoted as Assistant Lineman with effect from 25.02.1989. The petitioners being seniors to said Bhupinder Singh were given the benefit of promotion with effect from 25.02.1989, the date on which said Bhupinder Singh was promoted. After a long period, respondent No.2 vide order dated 09.05.2013, illegally cancelled the orders dated 04.10.2007/02.07.2007 on the ground that the petitioners cannot be given the benefit of judgment and decree dated 08.06.1995 passed in Bhupinder Singh's case because the said judgment was a decision in personam.

On the other hand, the stand of the respondents is that the deemed promotion has been wrongly granted to the petitioners because as per instructions (Annexure P-1), the petitioners were required to undergo practical training in the trade of Assistant Lineman for a period of three months. However, the petitioners had passed the Technical Training Course in the year 1996 and as such the question of deemed date promotion before 1996 does not arise as the same is condition precedent for granting promotion as Assistant Lineman.

Heard.

The relevant portion of instructions dated 10.12.1980 (Annexure P-1) is reproduced as under:-

“While it is necessary that such work charged staff may be properly trained before orders are issued as to their regularization as Assistant Lineman by the competent authority, it may be possible that the

Principal Technical Training Institute may not be able to give training immediately to all the persons who have become due for regularization as per rules & seniority etc. at a particular point of time because of limited training facilities available with him. In such an eventuality such persons may be posted as Regular Tradesman Mate under various Superintending Engineers. They should be regularised as Assistant Lineman only by the competent authority after necessary training is received by them.”

Keeping in view the fact that the required training/test was passed by the petitioners in the year 1996 only, no case for promotion with effect from 25.02.1989 is made out, therefore, the petition is dismissed to the extent of granting benefit at par with Bhupinder Singh as the petitioners had not undergone requisite training as per instructions (Annexure P-1). However, as there is no misrepresentation on behalf of the petitioners, the payment so made in pursuance to (Annexures P-10, P-13 and P-14) shall not be recovered from them.

The petition is partly allowed in the manner indicated above.

14.11.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

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