

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

CWP No. 18107 of 2014 (O&M)

Date of decision: 24.04.2018

Gurmukh Singh

...Petitioner(s)

Versus

Punjab State Power Corporation Ltd. and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Jagdish Manchanda, Advocate for
Mr. Ravi K. Mattoo, Advocate for the petitioner(s).

Ms. Geeta Sharma, Advocate for the respondents.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, the petitioner seeks issuance of directions to the respondents to promote the petitioner from the year 2001 with all consequential benefits.

The precise grievance of the petitioner is that the similarly situated employee, namely, Sardara Singh who joined the respondent' department as daily wager in the year 1987 was appointed as Work charge T. Mate and thereafter was promoted to the post of Assistant Line Man, vide order dated 20.12.2001, whereas, the petitioner was promoted to the post of Assistant Line Man in the year 2010. Learned counsel for the petitioner contends that the petitioner joined the respondent' Department on 11.04.1987 and worked continuously for two years till 30.08.1989 when his services were illegally terminated. Feeling aggrieved, the petitioner had challenged the termination order before the Labour Court

and ultimately, he was reinstated with continuity of service without back wages, vide order dated 15.11.1994 (Annexure P-1).

On the other hand, learned counsel for the respondents submits that the civil suit filed by the petitioner for regularization had been dismissed. Said Sardara Singh worked as daily wager in some other office and the facts of the employment of Sardara Singh are different from the petitioner.

Heard, learned counsel for the parties and perused the record.

The petitioner joined the respondents' Department on daily wage basis on 11.04.1987 and worked continuously for two years till his termination on 30.08.1989. Feeling aggrieved, the petitioner had challenged the termination order before the Labour Court and ultimately, he was reinstated with continuity of service without back wages, vide order dated 15.11.1994 (Annexure P-1). The appeal preferred by the respondents against the order dated 15.11.1994 was also dismissed, by way of order dated 07.07.1995 (Annexure P-2) and the petitioner was allowed to join the services. As per record, the petitioner was appointed as work charged T. mate on 23.01.1996 in view of the Government policy regarding regularization whereby the person who had completed 500 days service and are still continuing in service, shall be eligible for conversion into work charge subject to availability of posts. Thereafter, after completing the 14 years of work charge service, he was promoted to the post of Assistant Line Man on 12.05.2010, whereas similarly situated person, namely, Sardara Singh was promoted to the post of Assistant Line

Man on 20.12.2001 much prior to the petitioner. The fact of petitioner being in continuous service is duly proved on record, therefore, he ought to have been promoted when the similarly situated person Sardara Singh had been promoted in the year 2001.

Keeping in view the above, the present petition is allowed. The respondents are directed to regularize the services of the petitioner as T. Mate and further promote him as Assistant Line Man from the date when the services of similarly situated person Sardara Singh were regularized and was promoted as Assistant Line Man along with all consequential benefits within a period of three months from the date of receipt of certified copy of the order.

24.04.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No