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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.115

Civil Writ Petition No.11796 of 2018
DECIDED ON: *May 11, 2018*

RAMESH CHANDER CHAWLA

..PETITIONER

VERSUS

HARYANA POWER GENERATION CORPORATION LIMITED AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jaspal Singh Maanipur, Advocate,
for the petitioner.

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JASPAL SINGH, J. (ORAL)

Through instant petition preferred under Article 226 of the Constitution of India, petitioner has sought issuance of a writ in the nature of certiorari for quashing letter dated 30.04.2018 (Annexure P-12) whereby relief claimed by the petitioner for granting him the benefit of promotion as Turbine Operator from the date of his junior Sh. Kanshi Ram has been promoted and given the benefit, has been rejected only on the ground of delay and latches.

2. The contention of learned counsel for the petitioner is that similarly situated employees namely Sudesh Kumar, Om Parkash, Gurmeet Singh etc. have already been granted the benefit by treating them as Turbine Operator from different dates vide different orders. One of the employee,

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who was junior to the petitioner namely Dhani Ram has already been granted the similar benefit by the respondents vide order dated 17.10.2017 (Annexure P-10) passed by respondent No.2 whereas in the instant case similar benefit claimed through legal notice dated 17.04.2018 (Annexure P-11) has been declined by Resident Engineer i.e. an incompetent authority on behalf of respondents No. 1 to 3, simply on the ground that it suffers from delay and latches.

3. The petitioner retired from service on 30.04.2013 and subsequent thereto, he approached the department and ultimately, served legal notice dated 17.04.2018 (Annexure P-11). Moreover, the Resident Engineer cannot be termed to have the jurisdiction of appointing or punishing authority. He is simply a Drawing and Disbursing Officer. The orders with regard to grant of similar benefits to the above referred employees namely Sudesh Kumar, Om Parkash etc. have been passed by the Chief Engineer-respondent No.2 since the Resident Engineer is not a competent and authorized officer to take a decision with regard to the benefit claimed by the petitioner from respondents through legal notice, the decision taken vide letter dated 30.04.2018 (Annexure P-12) is erroneous.

4. In the given circumstances, legal notice deserves to be reconsidered, that too, by the competent authority i.e. Chief Engineer, Haryana, Power Generation Corporation Ltd., DCRTPP, Yamunagar (Haryana)- respondent No.2.

5. Without expressing much, the instant petition is disposed of with the direction to respondent No.2-Chief Engineer, Haryana, Power Generation Corporation Ltd., DCRTPP, Yamunagar (Haryana) to look into the grievances unfolded by the petitioner in his legal notice dated

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17.04.2018 (Annexure P-11) and take a conscious decision in accordance with rules, regulations and instructions issued by the department as well as the orders passed in the similarly situated employees, that too, by passing a speaking order, within a period of three months from the date of receipt of certified copy of this order. In case, the petitioner feels aggrieved qua any order passed by the concerned authority, he shall be at liberty to approach this Court.

May 11, 2018 **(JASPAL SINGH)**
Ankur **JUDGE**

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