

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

CWP No. 9320 of 2015 (O&M)

Date of decision: 15.02.2018

Tilak Raj

...Petitioner

Versus

Punjab State Power Corporation Ltd., and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. J.S. Jaidka, Advocate for the petitioner.

Mr. P.C. Goyal, Advocate
for respondent Nos. 1 to 3.

None for respondent No.4.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, under Article 226 of the Constitution of India, the petitioner seeks quashing of the order dated 06.02.2015 (Annexure P-7) passed by the respondents.

It is contended that the petitioner joined the respondent's Corporation as Test Mechanic on 19.07.1985 against the reserved category of scheduled caste, whereas respondent No.4 had joined the Department as Test Mechanic on 11.07.1986 in the general category. The petitioner was promoted as JE-II on 13.07.1998 and respondent No.4 became JE-II on 30.10.2001. However, as per the tentative revised seniority list for test mechanics issued by the competent authority in the year 2006, respondent No.4 was placed at Sr. No.210 whereas petitioner was placed at Sr. No.218. Respondent No.4 was further promoted on the

basis of tentative seniority list to the post of JE-I on 24.06.2010. It is asserted that no charge-sheet or enquiry is pending against the petitioner. Even, the representation made by the petitioner for redressal of his grievance was not considered in the right perspective.

On the other hand, learned counsel for respondent Nos. 1 to 3 though admits the factum of petitioner's being senior to respondent No.4, however, he states that the authorities after inviting objection had finalized the tentative seniority list. 60 days time was given to represent against seniority list, however, no objection was made at that time and ultimately, the seniority list was finalized.

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

Admittedly, the petitioner and respondent No.4 joined the respondents'-Corporation (the then Punjab State Electricity Board) as Test Mechanic on 19.07.1985 and 11.07.1986 respectively. Thereafter, petitioner being senior to respondent No.4 was promoted as Junior Engineer-II on 13.07.1998, whereas respondent No.4 was promoted as Junior Engineer-II on 30.10.2001. Thus, throughout, the petitioner remained senior to respondent No.4, however, in the year 2006, the respondents'-Corporation after inviting objections had issued revised seniority list from 31.12.1981 to 31.03.1993 for the Test Mechanics, whereby respondent No.4 was placed above to the petitioner and subsequently, on the basis of which, respondent No.4 was promoted to the post of Junior Engineer-I on 24.06.2010. Even if the petitioner had not represented to the authorities against the final seniority list, the onus is

upon the respondents who has circulated the incorrect seniority list. The petitioner cannot suffer on account of irregularity/illegality committed by the respondents. It is not the case of the respondents' Corporation that there was any adverse remarks in the ACRs or disciplinary proceedings were pending against the petitioner. The seniority is not in dispute. The hypertechnical stand taken by the respondents cannot be accepted.

Keeping in view the above and undisputed factual position, the present petition is allowed. The respondents are directed to revise the seniority list and placed the petitioner above to respondent No.4 and release all the necessary benefits admissible to the petitioner within four months from the date of receipt of certified copy of the order. In consequence, the impugned order dated 06.02.2015 (Annexure P-7) is set aside.

15.02.2018

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(JITENDRA CHAUHAN)
JUDGE

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