

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

CWP-4763-1993

Date of Decision: August 14, 2019

Nachattar Singh & Ors

... Petitioners

vs.

Punjab State Electricity Board, Patiala & Ors .. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : None.

ARUN MONGA, J. (ORAL)

Grievance of the petitioners herein is that they were not promoted as Assistant Security Inspectors whereas respondents No. 3 to 8 stated to be juniors to them were granted the promotion.

2. The petition was filed in the year 1993 and in all likelihood after 26 years, the relief sought by the petitioners would have been rendered infructuous by sheer efflux of time. Given that the petitioners were Ex-servicemen and having been appointed way-back between 42 to 45 years ago, all of them would have superannuated during the pendency of the petition.

3. Perusal of the pleadings reflects that the petitioners were Ex-servicemen and joined the services of erstwhile Punjab State Electricity Board (Punjab State Power Corporation Limited, being the successor in interest) as Security Guards on 09.11.1970, 20.09.1971, 12.12.1978 and 16.01.1980, respectively.

4. In the return filed on behalf of respondents No. 1 and 2, the

claim of the petitioners has been resisted on the ground that at the relevant time, the service conditions of the petitioners were governed by Punjab State Electricity Board Security Force Service Regulation, 1976 and as per the said regulations, no official can claim promotion as a matter of right on the basis of seniority alone. The promotions were to be made on the basis of merit and suitability, even though, seniority would be given due weightage while considering the promotion. It is stated that respondents No. 3 to 8 were found more suitable and were, accordingly, granted promotion.

5. No replication has been filed to the said specific averments by the petitioners.

6. Having conjointly gone through the rival pleadings, I am of the opinion that the writ petition is not only rendered infructuous but even on merits, is devoid of any substance and is, accordingly, liable to be dismissed for the reasons stated hereinafter.

7. The stand of respondents No. 1 and 2 that during the period of peak terrorism in Punjab, merit and suitability of Security Guards prevailing in those peculiar circumstances was taken as main criteria is fairly reasonable. It is in terms of provisions as contained in the applicable Punjab State Electricity Board Regulations which itself provided that no person can claim a right of promotion on the basis of seniority alone.

8. The posts of Security Guards in erstwhile PSEB (now PSPCL) were created to guard the important installation viz. Hydel Power Houses, Thermal Power Houses, Grid Sub Stations constructed for Transmission of energy for supply to the entire State. It was/is the job of security guard to safeguard the transmission lines together with keeping strict watch and ward on utilization/consumption of the energy through the electric meters

installed in the premises of consumers.

9. The posts of Security Guards being more in the nature of disciplined forces, they are expected to and have to carry out arduous duties, particularly, in State of Punjab, at the relevant time from years 1982 to 1995, when the terrorism was at its peak. I am, therefore, in agreement with the stand taken by respondents No. 1 and 2 that for making the promotions from Security Guards to Assistant Security Inspectors, the Department Promotion Committee adjudged them on the basis of merit-cum-suitability and not on the basis of seniority alone and, accordingly, the deserving Security Guards were granted promotion.

10. I, therefore, find no infirmity in the impugned orders dated 26.08.1991 (Annexure P-2) and 19.12.1991 (Annexure P-3) vide which respondents No. 3 to 8 were granted promotion from Security Guards to Assistant Security Inspectors. The petitioners cannot claim promotion as a matter of right merely on the ground that the private respondents who were though juniors to them but were found more suitable by the Department Promotion Committee.

11. In the premise, writ petition is dismissed.

12. No order as to costs.

August 14, 2019
smriti

(ARUN MONGA)
JUDGE

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