

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-1443-2013 (O&M)
Date of Decision:-21.02.2019.

Inderjit Singh

.....Petitioner

Versus

Punjab State Transmission Corporation Limited (PSTCL) and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. D.S. Patwalia, Senior Advocate with
Mr. Harmanpreet Singh, Advocate for the petitioner.

Mr. Vishal Chaudhari, Advocate for respondent No.1-PSTCL.

Mr. Bhupesh Dogra, Advocate for
Mr. Amit Aggarwal, Advocate for respondent No.5-PSPCL.

ARUN MONGA, J. (Oral)

1.) The present writ petition has been filed, *inter alia*, seeking issuance of a writ in the nature of *certiorari* to quash the seniority list as modified vide an order dated 16.02.2006 (P-4), wherein the petitioner has been shown junior to the private respondents. The lead contention of the petitioner is that the said seniority list is in violation of the statutory provisions of Punjab State Electricity Board Service of Engineers (Electrical) Regulations, 1965.

2.) This Court vide a judgment rendered in CWP-22185-2015 has put the controversy to rest. The said judgment has since attained finality, as no further proceedings were initiated to challenge the same and in fact the learned counsel appearing for the PSPCL states that the same has been implemented. Before proceeding with the matter, it would be instructive to reproduce the relevant extract of the judgment, *ibid:-*

“As noticed earlier, the petitioner was promoted to the post of Assistant Executive Engineer on 13.12.1990 i.e. prior to the private respondents. The private respondents, though senior to the petitioner, were promoted as such later in time on the ground of unsatisfactory service record or deficiency in ACRs or non-clearance of departmental accounts examination, etc. The promotion of the petitioner was neither temporary, nor conditional. As per Clause 16(b) of the Regulations (Annexure P-5), once a member of a lower class is promoted earlier than another member of the lower class who is senior to him and the latter has been passed over on the score of unsuitability or ineligibility (other than passing the DAE) for promotion, the member promoted earlier shall hold the rank senior to the member promoted subsequently. Thus, when the petitioner marched ahead of the private respondents at the time of promotion as Assistant Executive Engineer, he became senior to the private respondents for all intents and purposes.”

3.) Relying upon the above conclusive findings given by this Court, the petitioner has pleaded that his date of joining as Assistant Engineer is 25.02.1987 and he cleared his Departmental Accounts Examination on 08.05.1991. Pursuant thereto, he was considered for appointment/promotion as Assistant Executive Engineer on 11.10.1991 and approval for that was granted on 9.11.1991 and was promoted as such, after the approval on 11.02.1992. As against the same, it is the conceded position that the private respondents No.2 to 4 were appointed as Assistant Engineer later than the petitioner and also cleared their Departmental Accounts Examination later in time. Even the promotion of the petitioner as Assistant Executive Engineer is much prior in time, as against the promotion given to the private respondents, yet while determining the seniority list, the petitioner was shown junior to the private respondent Nos.2 to 4.

4.) I have gone through the pleadings of the respective parties as also the

the petitioner as also the learned counsel for the respective respondents.

5.) I am of the opinion that the seniority list dated 16.02.2006 (Annexure P-4), vide which the petitioner has been shown junior to the private respondents No.2 to 4 needs to be re-casted in as much as the same is not only in violation of the Regulations, *ibid*, but also the conclusive finding given by this Court vide judgment, *ibid*.

6.) The present writ petition is, accordingly, disposed of with a direction to respondent No.5-PSPCL to re-cast the seniority list keeping in view the finding given by this Court in CWP-22185-2015. Let the needful be done within a period of 3 months from the date of receipt of certified copy of this order.

7.) No order as to costs.

(ARUN MONGA)
JUDGE

February 21, 2019.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.