

Sr. No.219

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

CWP No.9202 of 2016 (O&M)

Date of Decision: 25.11.2019

Avtar Singh

... Petitioner

Versus

Punjab State Power Corporation Limited and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. H.S.Saini, Advocate,
for the petitioner.

Mr. Gursimranjit Singh, Advocate,
for the respondents.

ARUN MONGA, J.(ORAL)

1. *Inter alia*, issuance of a writ in the nature of mandamus has been sought commanding the respondents to consider the claim of the petitioner for promotion to the post of Foreman Cable Jointer (Distribution) with all consequential benefits with effect from the date of occurrence of vacancies in terms of Notification dated 03.01.1992 (Annexure P-3).

2. Concededly, claim of the petitioner arises out of his contentions that at the relevant time, there were 10 sanctioned posts of Foreman Cable Jointer (Distribution). The petitioner's grievance is that despite being senior-most and being eligible, he was not considered for promotion despite his willingness and representations and owing to the inaction of the respondents.

Petitioner retired in the meanwhile on 31.01.2016. Just prior to his

retirement, petitioner was provided with RTI information dated 11.01.2016 (Annexure P-8) which reflects that 10 posts of Foreman Cable Jointer were indeed lying vacant as on the date of providing the said information.

3. I have heard rival contentions of the learned counsel for the petitioner and learned counsel appearing for the Punjab State Power Corporation Limited.

4. In the return filed on behalf of the respondents, the writ petition has been resisted on the preliminary ground of the same being hit by vice of delay and laches as the petitioner approached this Court after more than 10 years from the date when the Seniority list dated 13.07.2005 (Annexure R-1) was prepared. It is stated that throughout his service, the petitioner never submitted any representation or made any other effort of the kind for being considered for promotion.

5. It is further stated that one of the pre-requisites for promotion as Foreman Cable Jointer is to undergo a training to be conducted by Technical Training Institute (TTI), Patiala while being in service and the petitioner never made any attempt to be sent for training in order to be eligible/considered for the promotion as sought by virtue of the present writ petition.

6. To be noted, no replication has been filed by the petitioner.

7. Be that as it may, conjoint perusal of the pleadings would reflect that a Seniority list of all the Cable Jointers working at the relevant time was prepared for being appointed as Foreman

Cable Jointer and for promotion, the seniority was being accorded in terms thereof. The said seniority list of the Cable Jointers to be appointed Foreman Cable Jointers was for the period 01.04.1997 to 31.12.2003.

8. The petitioner has made a bald assertion that he is the senior-most but the seniority list reflects otherwise. He is at Sr. No.99 and there is nothing on record to show that all the 98 persons above him, who were serving as Cable Jointers stand promoted to the post of Foreman Cable Jointers.

9. In view of the un-controverted seniority list, it seems highly improbable that being at Sr. 99, petitioner would have in ordinary course got a chance to be promoted as Foreman Cable Jointer unless, of course, all other 98 had been promoted to the said post.

10. In view of the aforesaid premise, writ petition is devoid of merit and is dismissed accordingly.

25.11.2019

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No