

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

CWP No.24569 of 2019

Date of Decision: September 05, 2019

Parveen Kumar

...Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Sandeep Thakan, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

The grievance of the petitioner is for setting-aside the impugned order dated 25.06.2019 (Annexure P-17) on the ground that the Chief Engineer 'OP' UHBVN, Panchkula did not take into consideration the contents of the representation seeking deemed date of promotion.

Mr. Sandeep Thakan, learned counsel representing the petitioner submitted that in case there would have been application of mind, the contents of the representation not only reflected the discrimination, but other action of the respondents not to be sustainable as the petitioner is entitled to deemed date promotion by taking into consideration the computation/calculation of total backlog vacancies of 3% for the person with disabilities.

Notice of motion.

Mr. Deepak Manchanda, Advocate, who is present in Court, accepts notice on behalf of the respondents.

I have heard the learned counsel for the parties and appraised the paper book.

The impugned order reads as under:-

“To

Shri Parveen Kumar, JE-I,

O/o Xen/Vigilance

UHBVN Rohtak.

Memo No.Ch-391 EPF-8568

Dated 25-6-2019

Subject: Grant of reservation to person with disabilities in jobs under Govt./Govt.undertaking, Local Bodies & Universities etc.

Reference your representation dated 16.4.2019.

In this context it is intimated that you were appointed as JE under PHC quota on dated 26.8.10 remained on probation for two year and you were granted promotion to the post of JE-1 on dated 15.11.18, in pursuance of Govt.Instruction No.22/10/2013/IGS-III dated 17/19.4.2017 adopted by the Nigam Ch-192/UH/GA-126/Rectt/Vol-I dated 2.8.18 with immediate effect.

The competent authority has considered your representation for granting of deemed date of promotion and found that the promotion benefit as demanded by you w.e.f. 26.8.12 is not feasible for acceptance.

This issues with the approval of Chief Engineer (OP) UHBVN Panchkula.

*Administrative Officer
for Chief Engineer `OP'
UHBVN, Panchkula.”*

On bare perusal of the aforementioned order, it is evident that the Chief Engineer has not assigned any reasons as to how and why the case of the petitioner claiming the promotion benefit is not feasible in the eyes of law. The impugned order is bereft of any reasoning.

Accordingly, the impugned order is set-aside and the matter is remanded to the Chief Engineer `OP' UHBVN, Panchkula to decide the representation (Annexure P-14) afresh after affording the opportunity of

hearing to the petitioner by taking all the points into consideration and pass a speaking order thereon. Let this exercise be undertaken within a period of two months from the date of receipt of certified copy of this order.

Writ petition stands disposed of.

September 05, 2019
ramesh

(AMIT RAWAL)
JUDGE

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