

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

**CWP No.1305 of 2020 (O&M)
Date of decision : January 20, 2020**

Malkeet Singh Sidhu

..... Petitioner

Versus

Punjab State Power Corporation Ltd. And others Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner states that the claim of the petitioner for grant of promotion to the post of Superintending Engineer was rejected by the respondents on the ground that the petitioner does not have the requisite qualification for the same as the petitioner does not meet the minimum required benchmark so as to enable him get promotion to the post Superintending Engineer.

Learned counsel for the petitioner further states that the benchmark of the petitioner has wrongly been calculated by the respondents as 14.62 whereas, the petitioner has the required benchmark of 15, in case, the proper calculation is being done by the respondents. Learned counsel for the petitioner argues that for the three warning letters, for which two marks have been deducted, only one mark should have been deducted and therefore, the petitioner has the required benchmark of 15 and hence was entitled for promotion to the post of Superintending Engineer.

Learned counsel for the petitioner further argues that immediately upon knowing that the claim of the petitioner for the promotion to the post of Superintending Engineer, has not been accepted, he submitted

a representation on 05.03.2018 (Annexure P-4) to respondent No.1- Corporation and thereafter, another representation to the Government of Punjab on 30.03.2018 (Annexure P-5).

Learned counsel for the petitioner further states that till the petitioner attained the age of superannuation, the said representation had not been decided by the respondents and rather is still pending consideration with respondent No.1 and petitioner will be satisfied, at this stage, in case a time bound direction is issued to respondent No.1 to decide the representation dated 05.03.2018 (Annexure P-4), by passing an appropriate speaking order in accordance with law.

In view of the request made, without expressing any opinion on the merits of the case or the claim being made by the petitioner, respondent No.1 is directed to decide the representation dated 05.03.2018 (Annexure P-4), by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

Present writ petition stands disposed of.

It is made clear that in case, any employee, who is still in service or was promoted ignoring the claim of the petitioner to the post of Superintending Engineer and is likely to be effected by the said decision, shall also be heard before passing any order, in pursuance to the directions given by this Court in the present order.

(HARSIMRAN SINGH SETHI)
JUDGE

January 20, 2020

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Whether speaking / reasoned Yes

Whether Reportable: No