

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

CWP No.17389 of 2017
Date of Decision: 16.01.2020

Mangat Ram

.....Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. R.N. Sharma, Advocate
for the petitioner.

Mr. C.S. Bakshi, Advocate with
Mr. Dinesh Kumar, Assistant, O/o Chief Engineer (Operation),
UHBVN, Rohtak

NIRMALJIT KAUR, J. (ORAL)

The present writ petition is filed for directing the respondents to allow deemed date of promotion as CA/Head Clerk/Circle Superintendent to the petitioner as his name has been incorporated at Sr. No.220A in the seniority list vide order dated 03.09.2014 (Annexure P-5).

Reply has been filed. As per the said reply, the petitioner remained silent during his entire service career and no grievance whatsoever in relation to his promotion was raised. He retired on 30.09.2011 and at this belated stage, the petitioner is seeking promotion for the first time to add his name in the seniority list of UDCs w.e.f. 23.05.1988 and therefore, his grievance was belated.

Heard.

A perusal of letter dated 03.09.2014 (Annexure P-5), which is a tentative seniority list of UDCs shows that the seniority of the petitioner

was fixed at Sr.No.220A only on 03.09.2014. Thus, the cause of action arose to the petitioner in 2014 in pursuance to the circulation of tentative seniority list. The petitioner, therefore, in pursuance to the said seniority list, filed his representations on 30.11.2015 and 15.06.2016 (Annexures P-6 and P-8) requesting the grant of next promotion and thereafter revise his pension accordingly. The said representations were never decided and no decision was taken. However, it is evident from letters dated 19.08.2016 as well as 11.05.2017, placed on record as Annexures P-10 and P-11 that the case of the petitioner for deemed date of promotion is still under consideration.

At this stage, learned counsel for the respondents on instructions from Mr. Dinesh Kumar, Assistant, O/o Chief Engineer (Operation), UHBVN, Rohtak, states that the case of the petitioner has been rejected vide order dated 30.06.2017 primarily on the ground of delay. It is handed over to the Court during the hearing. Copy of the said letter dated 30.06.2017 is retained on the record. The same is reproduced as under:-

“Reference your representation dated 30.11.2015 on the subject noted above.

In this connection, it is intimated that your representation was considered and has not found feasible for acceptance on following grounds:

1. That you were not interested in taking higher responsibilities during your entire service career as no request application received before retirement.
2. That you did not submit the representation to this office for your promotion before retirement.
3. That you were promoted as UDC vide O/o No.14/CSM-80/13 dated 10.02.1998 and joined on

23.05.1988 erstwhile HSEB and no request application received regarding promotion as Commercial Assistant.

4. This office called from time to time, particulars of each officials for preparation of seniority list. But no particulars were received from any office in respect of yours.

5. That you retired on 30.9.2011 A.N. on attaining the age of superannuation i.e. 58 years.

This issues with the approval of CE/OP UHBVN, Rohtak.”

It is not understood as to why the said order was not placed on record alongwith the reply as the reply was filed on 28.11.2017 i.e. after the passing of the said order dated 30.06.2017. Even otherwise, a perusal of the above order shows that it is primarily on account of delay and no other reasons. The other reasons are vague on the face of it and totally arbitrary and without basis.

From perusal of the said order itself shows that the same has been passed hurriedly and without application of mind and without any basis and simply to fulfill some lacuna. Accordingly, the same deserves to be ignored. This Court just stops itself from passing certain strictures on the officers passing the said order.

In view of the above observations that the cause of action arose to the petitioner only now in the year 2014 when the tentative seniority list was circulated, the question of delay does not arise.

Accordingly, the present writ petition is disposed of with a direction to the respondents to pass a fresh order in view of the revised tentative seniority wherein the petitioner has been placed at Sr.No.220A and in case the petitioner is found entitled to the benefits as claimed, the

petitioner shall be granted the notional benefit of promotion to the various posts from the date his juniors were promoted and thereafter, re-fix the pension accordingly. Otherwise, a proper speaking order shall be passed. Needful be done within two months from today.

16.01.2020
sandeep

(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No