

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

**CWP-13213- 2021(O&M)
DATE OF DECISION: 22.07.2021**

Rishav Singla

.....Petitioner

versus

The Punjab State Power
Corporation Limited and Another

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. J.S.Jaidka, Advocate for the petitioner.

Mr. Sehajbir Singh, Advocate for the respondents.

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ALKA SARIN, J. (Oral):

Heard through video conferencing.

The limited prayer in the present petition is for a direction to the respondents to take a decision on the charge-sheet dated 07.12.2020 (Annexure P-1) which, according to the petitioner, has been lingering indefinitely and would be an impediment in further promotion of the petitioner.

Learned counsel for the petitioner would contend that as per Memo No.5711/13/E.A-2459 (V:22) dated 05.07.2021 (Annexure P-4), qua making of panel for promotion from Division Accountant/Revenue Accountant under qualified quota to Additional Assistant Account Officer of year 2021-22, the name of the petitioner also finds mentioned at Sr. No.8.

Mr. Sehajbir Singh, Advocate, on instructions from Engineer Jagbir Singh, Deputy Secretary/Technical-1, PSPCL Patiala, has relied upon the General Criteria for Promotion/General Guidelines dated

29.03.2001 to contend that a case of the employee, when a charge-sheet has been issued and disciplinary proceedings are pending, would be kept in a sealed cover. He has further referred to the clarification issued on 21.09.2001 wherein it has been stated as under:-

“f) After a case comes under Sealed Cover procedure, the authorities dealing with the promotion case shall issue necessary directions to the authorities dealing with the relevant charge-sheet to get the charge-sheet decided on priority basis but in any case within 06 months and the authorities concerned shall make all efforts to ensure that the case is decided within 06 months.

g) The cases covered under the Sealed Cover procedure shall be reviewed by the Departmental Promotion Committee or Competent Authority, as the case may be after 06 months. The cases of those employees, in whose case Charge Sheet(s) has been decided by then, shall be processed for promotion according to the General Criteria for promotion. In case charge sheet is not decided within 06 months, proper reasons must be recorded/brought on record and the authorities concerned shall issue another directive to the authorities dealing with the relevant charge sheet to get the case decided completed immediately.”

Mr. Sehajbir Singh, Advocate further states that in case the petitioner is exonerated during the disciplinary proceedings his case would be considered from the deemed date i.e. the date on which case of others on the panel is considered for promotion.

Learned counsel for the petitioner states that he would be satisfied if the case of the petitioner is considered for promotion but kept in a sealed cover as per the instructions till the disciplinary proceedings

are decided in a time frame given in the guidelines and, in case he is exonerated, he be considered for promotion from the deemed date when others on the panel are promoted.

In view of the stand taken by the learned counsel for the parties, the present petition is disposed off with a direction to the respondents to adhere to the guidelines as submitted before this Court by the learned counsel for the respondents and to keep the case of the petitioner for promotion in a Sealed Cover by strictly adhering to the guidelines and to decide the disciplinary proceedings in accordance with the time frame mentioned in the above guidelines and further in case the petitioner is exonerated, his promotion be considered from the deemed date i.e. from the date others on the panel are granted promotion.

Disposed off.

(ALKA SARIN)
JUDGE

July 22, 2021
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<u>NOTE:</u> Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
