

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(222)

CWP-22605-2018

Date of Decision : March 22, 2022

Jagbir Singh

.. Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Ltd and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.P. Chahar, Advocate, for the petitioner.

Mr. Sunil Dhanda, Advocate, for

Mr. Deepak Manchanda, Advocate, for respondents No. 1 to 4.

None for respondent No.5.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the prayer of the petitioner is for stepping up of his pay equivalent to one employee namely Raj Mal-respondent No.5, who was junior to him in the cadre of Sub Station Attendant.

As per the facts mentioned in the petition, the petitioner initially joined the respondents-UH BVNL on work charge basis on 24.06.1978 and while he kept on working with the respondents-UH BVNL,

his services were regularized as Shift Attendant on 31.03.1981. Thereafter,

the petitioner was promoted as Assistant Sub Station Attendant on 15.06.1994. It may be noticed here that up to the cadre of Assistant Sub Station Attendant, the seniority is maintained circle wise and after the said post, the seniority in the cadre of Sub Station Attendant is State wise. The petitioner got promotion in the State cadre of Sub Station Attendant on 24.04.1998. As far as undisputed facts regarding the promotion of Raj Mal concerned, he was appointed as Shift Attendant on 31.05.1979 in his own circle which was different than that of petitioner. He was further promoted as Assistant Sub Station Attendant prior to the petitioner on 06.01.1979 but in the State cadre of Sub Station Attendant, the said Raj Mal was promoted on 09.12.2003 after approximately period of more than five years of the promotion of the petitioner.

The petitioner claim the stepping up of his pay equivalent to that of Raj Mal, who was getting more than pay than the petitioner but the said claim was rejected by the respondents by the impugned order dated 20.11.2017 (Annexure P-9), which order is under challenge in the present petition.

Upon notice of motion, the respondents have filed the reply in which, the date of promotion, which have been noticed hereinbefore, of the petitioner as well as Raj Mal, who has been impleaded as respondent No.5, are conceded by the respondents.

Learned counsel appearing on behalf of respondents No. 1 to 4 submits that as Raj Mal was appointed on a prior date in his own circle as Shift Attendant and has got promotion as Assistant Sub Station Attendant prior to the petitioner, he cannot be treated as junior to the petitioner in any

manner. Learned counsel for respondents No. 1 to 4 further submits that as the initial date of appointment of Raj Mal is prior to the petitioner, hence, even in the cadre of Sub Station Attendant, he is to be treated senior though, Raj Mal was promoted to the said post after a period of five years of the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The seniority of an employee is to be seen from the continuous length of service in a particular cadre. In the present case, the petitioner is working in the cadre of Sub Station Attendant since 24.04.1998 whereas respondent No.5 Raj Mal was promoted to the said cadre on 09.12.2003. That being so, nothing has been brought to the notice of this Court as to how, respondent No.5 Raj Mal can be treated senior to the petitioner in the cadre of Sub Station Attendant only on the basis that he was appointed in his on circle as Shift Attendant on a date prior to that of petitioner. The seniority is maintained cadre wise and keeping in view the cadre of Sub Station Attendant, the petitioner being promoted on a prior date than that of respondent No.5, he is to be treated as senior for all intents and purposes.

Keeping in view the above, the only reason to decline the benefit of step up of pay by the respondents was that the petitioner cannot be treated as senior to respondent No.5 Raj Mal, which reason is being set aside in this order, the respondents are directed again to reconsider the case of the petitioner by treating him senior to Raj Mal with regard to stepping up of his pay by passing a speaking order within a period of two months of the receipt of copy of this order. Whatever the amount which the petitioner

becomes entitled for under this order after stepping up of his pay equivalent to that of Raj Mal, the same be also released within a period of one month thereafter.

The present petition is allowed in above terms.

March 22, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes