

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

214

CWP-8643-2015

Date of decision : 07.07.2022

Mohinder Singh

... Petitioner

Versus

Punjab State Power Corporation Ltd. and another

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Ms. Sonia G. Singh, Advocate for the petitioner.

Mr. P.P.S. Thethi, Advocate for the respondents.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 15.04.2014 (Annexure P-4) vide which the respondents have denied the promotion of the petitioner from 1986. He is also seeking a direction to the respondents to consider his case for promotion from the date his junior had been promoted.

Learned counsel for the petitioner submits that the petitioner was appointed as Lineman with the respondent/Board on 06.05.1980. His junior was promoted as Junior Engineer-II on 22.10.1986 (Annexure P-1). The case of the petitioner for promotion was not considered at that time as there were adverse remarks in his ACR. The petitioner had preferred CWP No.3271 of 1989 impugning the adverse remarks which was allowed and the remarks were ordered to be treated as advisory in nature and the respondents were directed to consider the case of the petitioner for promotion. The petitioner was provisionally promoted as Junior Engineer on 18.11.1990, however, he was again reverted in 1992 which was challenged by him by preferring CWP No.10177 of 1992. This petition has been allowed on 10.07.2013 and the

respondents were directed to consider the case of the petitioner for promotion afresh after affording him an opportunity of hearing. The respondents by the impugned order dated 15.04.2014 (Annexure P-4) have rejected the case of the petitioner for promotion w.e.f. 22.10.1986. She, however, submits that one Santokh Singh, who is junior to the petitioner, had been promoted on 22.10.1986 vide Annexure P-1 and therefore, the petitioner ought to have been promoted w.e.f. 22.10.1986. The petitioner is at serial No.5438 of the seniority list of Linemen and one Santokh Singh, who is junior to him, is at serial No.5440. She has referred to the transfer/promotion order dated 22.10.1986 at Annexure P-1. The petitioner has been superannuated in the year 2009 and therefore, he would be entitled to notional benefits.

Learned counsel for the respondents submits that the petitioner had earlier remained absent from duty and only later on the period was converted into leave of the kind due. He further submits that the petitioner is not entitled to the relief as claimed for.

Heard.

The petitioner was appointed as Lineman on 06.05.1980 but he was not considered for promotion in the year 1986 on the ground that there were adverse entries in ACRs. This Court in CWP No.3271 of 1989, vide order dated 12.09.1990 had directed that the remarks in his ACRs be treated as advisory in nature. Therefore, these ACRs cannot come in the way of the petitioner's promotion w.e.f. 22.10.1986. The petitioner is at serial No.5438 while other persons, who are junior to him including one at serial No.5440 had been promoted on 22.10.1986 (Annexure P-1).

Consequently, the petition is allowed and the impugned order dated 15.04.2014 (Annexure P-4) is set aside. The respondents are directed to consider the case of the petitioner for promotion w.e.f. 22.10.1986, from the date his junior had been promoted. The petitioner would be entitled to notional benefits for the period when he was in service. He shall, however, be entitled to get revised pension and other retiral benefits. The respondents are directed to release the same within a period of three months from the date of receipt of certified copy of this order.

(ANUPINDER SINGH GREWAL)
JUDGE

July 07, 2022

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