

106

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7021-2019 (O&M)
Date of decision: 24.01.2023

MUKESH KUMAR

...Petitioner

VERSUS

HARYANA VIDYUT PARSARAN NIGAM LIMITED AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R. K. Malik, Senior Advocate with
Mr. Digvijay Singh, Advocate for the petitioner.

Mr. Hitesh Pandit, Advocate for respondents No.1 and 2.

Mr. Sajjan Singh, Advocate for respondent No.3.

Ms. Sunaina, Advocate for
Mr. H. C. Arora, Advocate for respondent No.4.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Article 226 of the Constitution of India, seeking issuance of a writ in the nature of certiorari for quashing the final ranking list of Junior Engineers (Civil) dated 20.02.2019 (Annexure P-3) to the extent that the private respondents No.3 and 4 have been declared as senior to the petitioner and further with a prayer for direction to be issued to consider the claim of the petitioner for promotion as Assistant Engineer (Civil) from the date when respondent No.3 was promoted.

Learned counsel for respondents No.1 and 2 would submit that Regulation 9 of the PSEB Service of Engineers (Civil) Recruitment Regulation,

1965 (as applicable to HVPNL) has since been substituted, which provides for the mode of recruitment to the post of Assistant Engineer (Civil). Consequent to the fresh Regulation coming into existence, the final ranking list of Junior Engineer (Civil) has been prepared on 14.01.2022, which would reflect the petitioner at serial No.10 and the private respondents No.3 and 4, who stood promoted, at serial No.16 and 25 respectively. He would submit that the writ petition has been rendered infructuous since the petitioner herein has been shown senior to the said private respondents.

I have heard learned counsel for the parties and have also perused the pleadings of the case.

I have taken note of the re-cast final list of Junior Engineer (Civil) reflecting the petitioner herein at serial No.10, whereas the private respondents, who already stand promoted as Assistant Engineer (Civil) with ranking at serial No.16 and 25 respectively and, therefore, would hold that the writ petition stands rendered infructuous. However, while disposing of the writ petition, the necessary consequence of re-casting of the final merit list would necessarily flow to the petitioner and he would be entitled to be promoted as Assistant Engineer (Civil) as well. Let the needful be done, within a period of two months from the date of receipt of the certified copy of this order, in accordance with law.

Consequently, the instant writ petition is disposed of in abovesaid terms.

24.01.2023
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No