

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

**CWP-9162-2020 (O&M)
Date of decision : 12.01.2023**

Mandeep Kumar

..... Petitioner

versus

Punjab State Power Corporation Ltd. and another Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. R. Kartikeya, Advocate
for the petitioner.

Mr. Sehajbir Singh, Advocate
for the respondents.

PANKAJ JAIN, J. (Oral)

Present writ petition has been filed seeking writ in the nature of mandamus seeking directions to the respondents to grant notional benefits to the petitioner w.e.f. the date his juniors were promoted as Assistant Executive Engineer and for consideration of the claim of the petitioner for a further promotional post of Sr. XEN w.e.f. 06.05.2020, i.e. the date on which he becomes eligible as per the policy. The claim of the petitioner awaits finality of criminal proceedings that the petitioner is admittedly facing. The petitioner has been interviewed by DPC. However, as per the relevant regulation, the result thereof has been kept in the sealed envelope.

2. Mr. Sehajbir Singh representing the respondents does not dispute that the result of the promotional proceedings will abide by the result of the criminal proceedings pending against the petitioner.

3. So far as the claim of the petitioner for substantive promotion to the post of Sr. XEN is concerned, the stand of the respondents as spelled out by written statement reads as under:-

“16. That as the of the petitioner for notional promotion is without any merit, his subsequent claim of promotion to the post of Senior Executive Engineer w.e.f. 06.05.2020, is also *sans* any merit. It is submitted that as the petitioner's seniority no. 3772 in the rank of Assistant Executive Engineer did not fall in consideration zone during the year 2019-20, as such, his name was not required to be considered by the DPC during consideration year 2019-20. Further, Assistant Executive Engineer officers till seniority no. 3829 are likely to be considered for promotion to the post of Senior Executive Engineer/Electrical during consideration year 2020-21, as such, the name of the petitioner will be considered for promotion as per his seniority number and in accordance with the rules and regulations of the respondent-corporation.”

4. Counsel for the petitioner places his satisfaction on that.

5. Resultantly, the present petition is disposed off with a direction to the respondents to consider the claim of the petitioner in the light of the policy. So far as notional benefits are concerned, admittedly the same shall abide by the result of the criminal proceedings.

6. Ordered accordingly.

7. Since the main case has been decided, pending miscellaneous application, if any, also stands disposed off.

(PANKAJ JAIN)
JUDGE

12.01.2023

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Whether speaking/reasoned : Yes

Whether Reportable : No