

CWP-26349-2013

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2023 : PHHC: 139474

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

CWP-26349-2013

Date of decision : 02.11.2023

Gursewak Singh

...Petitioner

Vs.

**Punjab State Power Corporation Ltd.
and others**

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. P.K.S.Phoolka, Advocate and
Mr. Amandeep Singh, Advocate
for the petitioner.

Mr. Roshan Lal Sharma, Advocate
for respondent Nos.1 to 4.

(Respondent No.12 since expired).

None for respondent Nos. 5 to 13.

DEEPAK MANCHANDA, J.(Oral)

1. Through present writ petition, petitioner has sought quashing of the promotion order dated 27.06.2013 (Annexure P-5), whereby respondent Nos.5 to 13 have been promoted ignoring the petitioner and further prayer for issuance of directions to prepare fresh/separate seniority list has been made.

2. The facts emanating from the pleadings of the present case are that petitioner joined respondent No.2 on 14.10.1977 as a Team Mate and thereafter, on 10.09.1979 was promoted as a regular (unskilled worker).

Thereafter, he was directly recruited as Technician Grade-II with respondent

No.2. Vide Minutes of Meeting dated 15.02.2008 (Annexure P-1), the employees who worked for more than 10/12 years as Work Charge employee, their services were regularized and it was decided to prepare the joint seniority list of the employees, who were working in all the three thermal plants i.e. respondent Nos.2 to 4. In pursuance to the said exercise, fresh seniority list was prepared, where petitioner stood at Sr.No.66 and after preparation of joint list by respondent No.2, the name of petitioner was at Sr.No.4 and his seniority number was 437 in the said list, but ignoring the petitioner, his juniors i.e. respondent Nos.5 to 13 were promoted from the list made from 01.09.2003 to 31.03.2010 vide promotion order dated 27.06.2013 (Annexure P-5), which is under challenge.

3. Learned counsel for the petitioner contends that the petitioner was ignored and was not considered for promotion, whereas his juniors had been promoted where petitioner stood at Sr.No.66 as per list issued on 06.07.1992 (Annexure P-3) and was shown at Sr.No.4 and at seniority No.437 in the joint seniority list prepared by respondent No.2, but the persons junior to him indiscriminately got promotion where even objections raised against the seniority list were also not considered.

4. Per contra, learned counsel for the respondent Nos.1 to 4 while referring to the reply dated 15.12.2014 submits that on 21.04.2005, it was decided to have common seniority list pertaining to all the workers, who were working in three Thermal plants as skilled/unskilled Technician Grade-II and Grade-I for the purpose of their promotion. He further submits that it was decided that the seniority list would be made on the basis of date of their regularization and those, who were first regularized would be considered

senior. He also submits that the Punjab State Electricity Board had notified the Regulations called the Punjab State Electricity Board Class-III and IV Employee Regulation 1996 which provided for qualification (technical qualifications) for the various categories of post, the same are as under:-

40	Technician Gr-2 (Mech)	Direct Recruitment	1) Matric along with ITI certificate in Mech.Trade or	3 years experience in Mech.works
			2) Matric Pass or Non Matric along with ITI in Mech,Trade	Five years experience in Mech.works
			or 3) Non Matric	Eight years experience in Mech.works
41	Tehnician Gr.I (Mech)	Direct Recruitment	1) 3-4 years of Diploma in Mech. Engineering	2 years experience in Mech.works
			or 2) Matric alongwith ITI in Mech. Trade.	5 years experience in Mech.works
			Or 3) Matric or Non Matric along with ITI in Mech.Trade	Eight years experience in Mech.works

5. He has argued that the petitioner was originally appointed as Team Mate on 14.10.1974, who was later on promoted as work charge unskilled worker on 10.09.1979 and thereafter promoted as skilled worker on 09.09.1987 and was put at Sr.No.226 in revised seniority, whereas as per Regulation 1996 formulated by Punjab State Electricity Board, petitioner was also required to have diploma of 3-4 years in Mechanical Engineering, which was basic qualification for the purpose of seeking promotion. But since the petitioner was not having requisite qualification, being not eligible, he was not considered for promotion. Accordingly, respondent Nos.5 to 13, who were promoted as

Technical Grade-I from Grade-II on the basis of joint seniority list maintained for the category to which petitioner does not belong to.

6. I have heard learned counsels for the parties and perused the material available on record.

7. Though the petitioner has taken a categoric stand by saying that that objections against the prepared seniority list were raised by the petitioner, but same were not accepted. Neither there is material on record to show that petitioner raised objections, which were received by the respondents, but same were not considered, nor during proceedings, he has produced the material/objections which were prepared and submitted.

8. Consequently, when petitioner did not raise any objection against the preparation of seniority list, the same attained finality in due course which resulted into impugned promotion orders by following the due procedure. Secondly, as per Regulations, the petitioner was not having requisite qualification for seeking promotion where one should have diploma of 3-4 years in Mechanical Engineering. On this count also petitioner does not succeed and the same proved as deterrent in not getting promotion being the basic qualification. Secondly, in absence of in time objections, where the petitioner could have availed the chance to object and register his grievance for not being considered as senior, who was entitled for promotion keeping in view his service length had the opportunity to avail, but somehow same was missed where no explanation and reasoning has come-forth on the part of the petitioner as to why the objections were not raised and by simply stating that though objections were raised, but not accepted is factually incorrect and even there is nothing on record to show whether actually the objections were prepared and

submitted with the authorities or not. Further, there is also no rebuttal to the stand taken by the respondents.

9. Thus in view of above discussion, present petition is devoid of merits and accordingly is hereby dismissed.

02.11.2023

vanita

(DEEPAK MANCHANDA)
JUDGE

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