

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 13.01.2023

1. CWP-22521-2018

Jagroop Singh

..... Petitioner

versus

The Punjab State Power Corporation Ltd. and others Respondents

2. CWP-15659-2018

Jagroop Singh

..... Petitioner

versus

The Punjab State Power Corporation Ltd. and others Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. A.K. Walia, Advocate
for the petitioner in both cases.

Ms. Monia Chibber Sharma, Advocate
for the respondents in CWP-22521-2018.

Mr. Sahil Sharma, Advocate
for the respondents in CWP-15659-2018.

PANKAJ JAIN, J. (Oral)

By way of common order, I intend to dispose off aforesaid two writ petitions. The facts are being culled out from CWP-22521-2018.

2. The petitioner invoked writ jurisdiction of this Court seeking writ in the nature of certiorari quashing the impugned order Annexure P-7 dated 20.08.2018, whereby the petitioner has been ordered to be reverted from the post of Assistant Engineer to Additional Assistant Engineer. As per the facts pleaded, the petitioner joined services with the respondents as

Linemen on 26.10.1985 and was promoted to Junior Engineer w.e.f.

25.09.1995 and was assigned seniority No.7226. The petitioner was offered promotion in the promotional cadre of Additional Assistant Engineer which he admittedly declined and opted to forgo the promotion. Thereafter, he was again offered promotion to the promotional cadre which he accepted in the year 2013. He was ordered to be promoted vide order dated 31.10.2013 placed on record as Annexure P-2/T and was assigned seniority No.2883. Later on it was discovered that the seniority was so assigned by considering the petitioner as promotee of 2009. On discovering the aforesaid factual mistake in the record, respondents opted to correct the same and the resultant order dated 23.05.2018 (Annexure P-6/8) and that dated 20.08.2018 at Annexure P-7 was passed correcting the same.

3. Counsel for the petitioner submits that though the petitioner is not in a position to dispute the factual position based on record, yet the claim of the petitioner is that the impugned order has been passed in utter violation of the principles of natural justice and the petitioner cannot be denied his claim for the period he worked on the promotional post. The petitioner has retired on attaining the age of superannuation on 31.08.2019. He refers to the pleading raised in the written statement wherein the specific stand of the respondents in para 14 of the preliminary submissions reads as under:-

“That the AAE/JE-1 till seniority number 3019 were promoted and as such the date of promotion of the petitioner can be fixed for all intents and purposes as per his seniority no. 3008 vis-a-vis his junior Rajinder Singh (Seniority no. 3012), however, as the impugned order of cancellation of his seniority no. 2883 is subjudice before this Hon'ble Court in CWP No.15659 of 2018, therefore, no further orders have been passed by the respondent-

authorities.”

4. He thus submits that he would be satisfied if the respondents are bound down to their stand as culled out hereinabove.

5. Ms. Chibber representing the respondents very fairly submits that the respondents have already taken a stand in the written statement and shall be bound by the same.

6. Keeping in view the nature of the controversy involved and the stand taken by the respondents, respondent No.1 is directed to consider the claim of the petitioner in the light of stand taken in para 14 (supra) within a period of 03 months from the date of receipt of certified copy of this order.

7. Needless to say, in case the petitioner is entitled for benefit, the same should be granted within the aforesaid stipulated period of time. In case the same is not granted, any monetary benefit/pension alongwith interest @ 18% per annum would be recovered from the pocket of Chairman-cum-Managing Director.

8. Disposed off accordingly.

**(PANKAJ JAIN)
JUDGE**

13.01.2023

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Whether speaking/reasoned : Yes

Whether Reportable : No