

2023:PHHC:073338

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

213

CWP No.932 of 2018

Date of decision: 19.05.2023

KARAN SINGH SEHRAWAT

...Petitioner

Versus

UHBVNL AND ORS.

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Surender Lamba, Advocate
for the petitioner.

Mr. Rishabh Gupta, Advocate
for the respondents.

RAJ MOHAN SINGH , J.(ORAL)

The petitioner has preferred this writ petition for the issuance of an appropriate writ in the nature of certiorari, quashing the order dated 08.05.2017(Annexure P-21) vide which the claim of the petitioner for grant of time scale after 12 years of adhoc promotion to the post of Assistant Engineer has been declined. As a consequence of that a prayer for revised pension has also been rejected.

The petitioner has prayed for issuance of necessary directions in the nature of mandamus for granting 12 years time scale on the post of AE w.e.f. 08.05.2002/13.05.2002 as well as

revised pension because the respondents had already granted the same benefit to the similarly situated employees namely Sh. O.P. Chabra, AE/AEE retired on 30.06.2001, Sh. L.C. Makkar, AE, retired on 31.12.2000 and Sh. R.C. Kathuria, AE retired on 31.12.2001 by considering period of adhoc promotion for the grant of time scale.

Evidently, the services of the petitioner were regularized w.e.f. 11.04.1991. If period of 12 years is counted from the date of regularization, the same would come out to be 11.04.2003. The petitioner has given tabulated information in respect of Sh. O.P. Chabra *vis-a-vis* the petitioner showing the date of joining, date of adhoc promotion, date of regular promotion, date of retirement and the date from and to count for 12 years regular satisfactory service for grant of 12 years time scale to AE/AEE. In case of Sh. O.P. Chabra and other similarly situated officers, the benefit has been counted after considering officiating and adhoc period service for the purposes of counting the same towards 12 years regular satisfactory service for grant of time scale. Whereas in case of the petitioner the parity has not been maintained. The petitioner was given adhoc promotion w.e.f. 08.05.1990. Period of 12 years had expired on 08.05.2002. The petitioner had retired on 30.11.2002, therefore the petitioner was not to be discriminated *vis-a-vis* the similarly

situated employees/officers namely Sh. O.P. Chabra, Sh. L.C. Makkar and Sh. R.C. Kathuria.

On 15.03.2023, the following order was passed by this Court:

“Learned counsel for the petitioner with reference to the cases of Sh. O.P. Chabra, AE/AEE retired on 30.06.2001, Sh. L.C. Makkar, AE, retired on 31.12.2000 and Sh. R.C. Kathuria, AE retired on 31.12.2001 submits that their adhoc services have been considered for the grant of 12 years time scale from the date of their promotion whereas in case of the petitioner, the same relief has been declined in an arbitrary manner.

Learned counsel for the respondents seeks time to verify about the status of benefits given to the aforesaid persons as of now.

Adjourned to 28.04.2023.”

In compliance of the aforesaid order, learned counsel for the respondents on instructions from Vijay Sabharwal, Assistant, UHBVNL submits that the benefits given to the aforesaid persons have not been withdrawn.

Learned counsel for the petitioner has also pointed out that two more persons namely Ram Kumar Gupta and Ram Niwas have also been granted the benefit of time scale by counting their adhoc promotion, however this fact has not been pleaded in the present writ petition.

Learned counsel for the respondents has no such information available with him.

Having considered the case of the petitioner, in the light of benefits given to the similarly situated persons, I deem it appropriate to accept this writ petition and direct the respondents to grant the benefit of time scale after considering adhoc promotion of the petitioner for the said benefit in the same manner as has been considered and granted in cases of Sh. O.P. Chabra, AE/AEE, Sh. L.C. Makkar, AE and Sh. R.C. Kathuria, AE.

Learned counsel for the respondents could not make out any distinction *vis-a-vis* the benefit granted to the aforesaid persons and the prayer made by the petitioner.

For the reasons recorded hereinabove, the impugned order is quashed. Normal consequence to follow.

Let the benefit be accorded to the petitioner within two months from the date of receipt of certified copy of this order.

19.05.2023

P.Bhatt

**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No