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

**CWP-23153-2023**

**Date of decision : 13.12.2023**

**Jagtar Singh**

**...Petitioner**

**Vs.**

**Punjab State Power Corporation  
Ltd.(PSPCL) and others**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Jugam Arora, Advocate  
for the petitioner.

Mr. Harpal Singh Baidwan, Advocate  
for the respondents.

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**DEEPAK MANCHANDA, J.(Oral)**

1. The instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of the impugned orders dated 27.03.2023 (Annexure P-6), 26.04.2023 (Annexure P-7) and 30.06.2023 (Annexure P-9), whereby the prayer of the petitioner for seeking voluntary reversion from the post of officiating 'Assistant Accounts Officer (Revenue) to the post of 'Revenue Accountant', which was made much before completion of probation i.e. within a period of about 04 months of promotion, has been declined without considering the personal difficulties/circumstances explained in the request letters. The further prayer has also been made for directing the respondents to reconsider the claim of the petitioner as same has been allowed to the number of similarly situated co-employees.

2. The brief facts emanated from the present case are that the petitioner had joined service of the Punjab State Electricity Board on 09.12.1997 as Lower Division Clerk and belongs to SC Category. Thereafter, the petitioner was promoted on the post of Revenue Accountant by passing departmental examination. Vide order dated 13.12.2021 (Annexure P-1), the petitioner again promoted to the post of officiating Assistant Accounts Officer (Revenue) and given posting in the Computer Service Centre, Nawanshehar under the Additional Superintending Engineer, Computer Billing Cell, Jalandhar against vacant post by applying the reservation policy. In pursuance to the promotion order dated 13.12.2021, the petitioner joined as Assistant Accounts Officer on 21.12.2021. Vide representation dated 22.04.2022 (Annexure P-2), he requested for his voluntary reversion/demotion from the officiating post of Assistant Accounts Officer (Revenue). Vide letter dated 10.05.2022 (Annexure P-3), respondent No.3 directed the petitioner to send his case through proper channel along with copies of the instructions, whereby reversion is permissible. Thereafter, the petitioner moved representations dated 06.06.2022 and 12.05.2023 (Annexure P-4 and P-8), respectively, however, the same were not accepted and declined vide Memo dated 27.03.2023 (Annexure P-6) and memo dated 30.06.2023 (Annexure P-9), respectively. The petitioner has relied upon instance of the similarly situated employees and pleaded parity for acceptance of his claim, but the said plea was not accepted. Hence, the present writ petition.

3. Learned counsel for the petitioner submits that the petitioner was only given an officiating promotion and he has requested for his reversion during the probation period itself i.e. within the four months of joining on the

post of Assistant Accounts Officer (Revenue), which was much before completion of his probation period and also submitted his representation along with an affidavit for foregoing promotion as per Rules. Learned counsel further contends that the respondent/corporation has already accepted the claim of similarly situated employees and there is no reason as to why the claim of the petitioner should not be accepted and further submits that in this way the petitioner has been discriminated against, however, the similar prayer made by other employees of the respondent/corporation for their voluntary reversion/demotion was accepted and even as per Regulation 11 of the PSEB Accounts Service Class III Regulation, 1991, the claim of the petitioner can be accepted.

4. Per contra, learned counsel for the respondent/Corporation submits that there is no provision for reversion under the prescribed rules of the Corporation, hence, prayer of the petitioner was rightly declined.

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

6. Vide order dated 06.11.2023, learned counsel for the respondent/Corporation sought time to have instructions with regard to Annexures P-4 (representation of the petitioner) and P-10 to P-17 i.e. the letters/orders of similarly situated employees, whose prayers were accepted and were reverted accordingly.

7. In compliance of the order dated 06.11.2023, an affidavit dated 11.12.2023 of Jagjiwan Singh s/o Sh.Dalip Singh, Deputy CAO/Establishment, PSPCL, Patiala, was filed before this Court, whereby it has been submitted that reversion from promoted post has been accepted by the department of

answering respondent in cases of other similarly situated employees as per Annexures P-10 to P-16, however, it has been submitted that such reversions were allowed earlier in the year 1997, 2003, 2010 and 2014 in the absence of any rules/instructions of the Department. Once the respondent/Corporation has already reverted the other similarly situated employees in absence of Rules, the petitioner cannot be discriminated against. Further, as per affidavit filed by the respondents accepting the alleged reversion orders of the similar employees, the claim of the petitioner cannot be denied, who is seeking parity and even otherwise, the respondent-Corporation has neither brought on record any such rules/instructions nor mentioned in the affidavit. Further except, reference of Section 21 of PSPCL Employees Conduct Regulations, 1971 no other ground has been taken vide (Annexure P-9). In light of the affidavit dated 11.12.2023 the impugned orders passed by the respondents are contrary to the stand taken in the affidavit and are not sustainable.

8. In light of the aforesaid discussion, the writ petition is allowed and the impugned orders dated 27.03.2023 (Annexure P-6), 26.04.2023 (Annexure P-7) and 30.06.2023 (Annexure P-9) are hereby quashed and respondents are directed to consider the claim of the petitioner seeking voluntary reversion from the post of Officiating Assistant Accounts Officer(Revenue) to the post of Revenue Accountant within a period of two months from date of receipt of certified copy of this order.

(DEEPAK MANCHANDA)  
JUDGE

13.12.2023  
vanita

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