

117 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24137-2023

Date of decision: 20.10.2023

Baljinder Singh and others

.....Petitioners

V/s

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Dharmender Singh Rawat, Advocate
for the petitioners.

DEEPAK MANCHANDA J. (ORAL)

The instant petition has been filed under Article 226 of the Constitution of India for issuance of writ in the nature of certiorari quashing the impugned order dated 17.05.2021 (Annexure P-1) to the extent that the same causes discrimination between the Engineers working with the Electrical Wing vis a vis Engineers working with the Civil Wing and Public Health Wing with the respondents, not only in the matter of promotions to the higher posts of Divisional Engineer, Superintending Engineer and Chief Engineer and with a further prayer that directions be issued to respondents to frame the restructuring policy particularly for the Electrical Wing of Engineers working with the respondents by keeping in view the report of the Expert Committee dated 04.10.2023 (Annexure P-4) and further directions be issued to respondents not to force the petitioners to report to the officers, who were juniors to the petitioners in the feeder cadre posts and who now stand promoted to the higher posts of Divisional Engineer, Superintending Engineer and Chief Engineer and not to block the promotional avenues of the petitioners at the level of Superintending Engineer only as the

Engineers working in the Civil Wing and Public Health Wing are promoted to the level of Chief Engineer.

Learned counsel for the petitioners contends that the petitioners, who are working as Divisional Engineers (Electrical) and Sub Divisional Engineers (Electrical) with the respondent No.2 are aggrieved by the faulty hierarchical structure of the respondent No.2, on account of which, those Sub Divisional Engineers, who were appointed with the respondent No.2 but in Civil or Public Health Wing got further promotion to the post of Divisional Engineer, Superintending Engineer, Chief Engineer and Engineer in chief much before the petitioners resulting into humiliation, trauma, mental harassment for the Engineers working with the Electrical Wing, as the Engineers of Electrical Wing, who are initially at the feeder cadre post of all Engineering Wings i.e. on their respective post of Sub Divisional Engineer were much senior to the Engineers appointed in Civil Wing and Public Health Wing on account of joining as Sub Divisional Engineer much before the Engineers of Civil and Public Health Wing. Further, they now have to report to these juniors, as these juniors of Civil and Public Health Wing on account of their earlier promotions, have now become senior officers than the petitioners and have been posted over and above the petitioners. Due to these faulty restructuring of the posts by the respondents, at present in the prevailing structure of Engineering, there are three posts of Chief Engineer where only Civil and Public Health Engineers have the right to take promotions. No officer from Electrical Cadre is eligible for promotion to the post of Chief Engineer, even if the said officer qualifies the experience criteria required for a Superintending Engineer to be promoted to the post of Chief Engineer, as given in the PUDA regulations.

He further submits that as compared to the petitioner No. 1, one Sh. Anuj Sehgal was directly appointed as Sub Divisional Engineer (Civil) in 2011 i.e. after the promotion of the petitioner No.1 on the post of Sub Divisional Engineer (Electrical). Thereafter, Sh. Anuj Sehgal was promoted as Divisional Engineer (Civil) on 13.10.2017 and as Superintending Engineer (Civil) on 02.12.2021 and since the petitioner No.1 at present is posted as Divisional Engineer (Electrical) in GMADA, Mohali and is also having additional charge of Divisional Engineer (Electrical) of PUDA, Mohali and PDA, Patiala, the petitioner No. 1 has to report to Sh. Anuj Sehgal, who at present is posted as Superintending Engineer (Civil) of PUDA, Mohali and PDA, Patiala despite the fact that Sh. Anuj Sehgal was not only junior to the petitioner No. I at the initial stage of SDE (Civil) but said Sh. Anuj Sehgal has absolutely no knowledge with regard to electric work as Sh. Anuj Sehgal holds a Degree of Civil Engineering and therefore has no valid qualification or competence in electrical engineering.

As the request of the petitioners i.e. Engineers of the Electrical Wing of the respondent No. 2 authority was genuine so, the respondents formed an Expert Committee under the Chairmanship of Chief Administrator, PUDA, Mohali to look into the restructuring of posts in PUDA, Mohali and other Special Development Authorities (SDAs) and the said Expert Committee held its meeting on 29.09.2023 and after detailed deliberations in the said meeting, came to the conclusion that the request of the petitioners was genuine and a post of Chief Engineer (Electrical) has to be created at the central level of PUDA as Electrical Wing being specialized job cannot be designed, vetted and supervised by Civil Engineers. Similarly, the Expert Committee was of the opinion that the post of Superintending Engineer (Electrical) is not properly utilized and hence proper utilization of two posts is also solicited. The Expert Committee opined that the

Superintending Engineer (Electrical) should look after the Electrical works of all the Special Development Authorities and report to their respective Chief Engineers so that their specializations are optimally utilized and the said Expert Committee also observed that keeping in view the workload of electrical works of all SDAs, it would be in the interest of work that two more posts of DE (Electrical) are created without any additional posts of SDE (Elect.)/JE (Elect.) i.e. One for PDA & BDA and other for JDA & ADA. He further submits that petitioners have submitted representation dated 07.06.2023 (Annexure P-3) to the respondents, which has not been taken into consideration till date and the petitioners would be satisfied if necessary directions are given for deciding the representation in a time bound manner.

Notice of motion.

On asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of respondent No. 1 and Mr. Nishant Maini, Advocate, who is also present in the Court, accepts notice on behalf of respondent No.2 and do not object to the prayer made by learned counsel for the petitioners.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioners in the representation dated 07.06.2023 (Annexure P-3), respondents are directed to decide the aforesaid representation in accordance with law, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order.

The petition stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

20.10.2023
Sapna