

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

246 (02)

CWP-2934-2022

Decided on : March 07, 2024

SHIRAZ ANAV MISRA AND OTHERS

..... Petitioners

Versus

PUNJAB STATE POWER CORPORATION LIMITED AND OTHERS

..... Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Vijayveer Singh, Advocate for
Mr. Aftab Singh Khara, Advocate for the petitioners.

Ms. Anu Chatrath, Senior Advocate with
Ms. Swati Dayalan, Advocate and
Mr. Pratyush Sood, Advocate and
Mr. Nikhil Singh, Advocate for the respondent-PSPCL.

Mr. Ritesh Aggarwal, Advocate
for Respondent Nos.2 and 3.

NAMIT KUMAR, J. (Oral)

The petitioners have approached this Court by way of filing the instant petition under Articles 226/227 of the Constitution of India seeking writ in the nature of *Mandamus* directing the respondents to promote them to the post of Additional Assistant Engineer (Grade-I) w.e.f. 04.06.2019 and 30.05.2019 i.e. the date when they had completed five years in service, in view of Rule 8 of the Punjab State Electricity Board Technical Services Grade-III Rule, 1996.

On notice of motion issued on 15.02.2022, detailed replies have been filed by the respondents. Vide order dated 08.03.2022, passed in connected CWP No.13118 of 2022 further promotions to the post of Additional Assistant Engineer (Grade-I) were stayed and the respondents-applicants therein have filed CM No.9958-CWP of 2022 and CM No.20545-CWP of 2022 in CWP-13118-2021 for vacation of stay granted vide order dated 08.03.2022.

In Para No.5(h) of abovesaid CM No.20545-CWP of 2022, it has been averred as under:-

xxx xxx xxx xxx

because while being in complete compliance of the orders issued by this Hon'ble Court, the Respondent-Corporation, vide Memo dated 14.07.2022, had sought the particulars for consideration of promotion of employees from seniority No.10115 to 11508. It may be clarified that the Respondents – Corporation has not made any promotions but has only sought the particulars vide aforesaid Memo.

In fact, the Petitioners, who stand at seniority No.10926 and 10858, respectively have also been called for and would automatically be considered for promotion if the stay granted vide interim order dated 08.03.2022 is vacated. The Petitioners, are therefore, only hurting their cause, besides the cause of hundreds of other employees whose promotions are being delayed due to the present litigation. ”

xxx xxx xxx xxx

In view of the averments made in the said application, learned counsel for the respondent - PSPCL submits that the case of the petitioners alongwith other eligible candidates shall be considered for their promotion to the post of Additional Assistant Engineer (Grade-I) within a period of two months from the date of receipt of certified copy of this Order.

In view of the above, nothing further survives in the present petition and the same is disposed of as having been rendered infructuous.

March 07, 2024
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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No