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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15365-1996

Date of decision: 05.11.2024

KARAMJIT SINGH DAHRI

...Petitioner(s)

VERSUS

H.S.E.B. AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. N. K. Nagar, Advocate for the petitioner.

Ms. Nikita Goel, Advocate for respondents No.1 and 2.

Mr. Deepak Goyat, Advocate for
Mr. Ashwani Talwar, Advocate for respondents No.4 and 5.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to consider and promote the petitioner with effect from the date his juniors have been promoted to the post of Senior Technician with a further prayer to finalize the seniority list in accordance with law and to frame Regulations or Service Rules.

2. Learned counsel for the petitioner submitted that the petitioner was senior to the private respondent especially respondent No.3, namely, Krishan, which is reflected from Annexures P-1 to P-4 but thereafter, another tentative seniority list was framed in which the petitioner was shown junior to the aforesaid Krishan, to which he filed objections and vide Annexure P-6, his



seniority number was changed from 50 to 42 but he still remained junior to the aforesaid private respondent, namely, Krishan. He further submitted that neither any reason has been given as to how the seniority of the petitioner has been changed nor any such reason has been given in the written statement which has been filed on behalf of respondents No.1 and 2. He also submitted that even if the petitioner has not challenged the order dated 31.01.1995 (Annexure P-6), it is his right to know as to why his seniority has been changed.

3. On the other hand, Ms. Nikita Goel, learned counsel for respondents No.1 and 2 submitted that the respondent-Electricity Board will pass a fresh order after considering all the facts and circumstances and after hearing the petitioner or his counsel and the same will be done within a period of four months from today in accordance with law.

4. In view of the aforesaid facts and circumstances, the present writ petition is partly allowed. The order dated 31.01.1995 (Annexure P-6) by which the seniority of the petitioner was changed is set aside only qua the petitioner. The competent authority of the respondent-Electricity Board is directed to pass a fresh order which shall be a speaking order backed by reasons, within a period of four months from today after giving adequate opportunity of hearing to the petitioner or his counsel, in accordance with law.

(JASGURPREET SINGH PURI)
JUDGE

05.11.2024
Chetan Thakur

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