

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7781-2024 (O&M)

Date of decision: 08.04.2024

Baljit Singh

....Petitioner

Versus

Punjab State Power Corporation Ltd and Ors

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Surinder Garg, Advocate for the petitioner.

Mr. R.P.S. Bara, Advocate for the respondents – PSPCL.

NAMIT KUMAR J. (Oral)

1. The petitioner has filed the present writ petition seeking a writ of mandamus for directing the respondents to consider the claim of the petitioner for promotion to the post of Junior Engineer, Sub-Station, with all consequential benefits along with 18% interest per annum
2. The petitioner retired from service on attaining the age of superannuation on 31.05.2023. It is the case of the petitioner that his case for promotion was deferred vide order dated 17.11.2022 (Annexure P-5) on the ground that persons who have been appointed as Work Charge T-Mates cannot be promoted beyond the post of Sub-Station Attendants (SSA).
3. It is further the case of the petitioner that vide order dated 06.09.2023, respondents have withdrawn the condition of giving promotion beyond the post of Sub-Station Attendants (SSA) with a rider that an employee should have requisite qualification for promotion. The precise grievance of the petitioner is that despite having requisite

qualification, he has not been given promotion to the post of Junior Engineer (Sub-Station), whereas many other persons have been given promotion to the said post vide orders dated 03.11.2021, 16.03.2022 (Annexure P-3) and 21.10.2022 (Annexure P-4). The petitioner served a legal notice dated 10.11.2023 upon the respondents in this regard.

4. As per averments made in the petition, it is the case of the petitioner that various other Sub-Station Attendants, who were initially appointed as Work Charge T-Mates, were given promotions to the post of Junior Engineer vide orders dated 03.11.2021, 16.03.2022 (Annexure P-3) and 21.10.2022 (Annexure P-4) and the case of the petitioner was deferred when his case was considered for promotion, vide order dated 17.11.2022 (Annexure P-5) on the basis of circular dated 21.05.2021 (Annexure P-2). While the petitioner was in service upto 31.05.2023, he never either challenged the circular dated 21.05.2021 (Annexure P-2) nor promotion orders dated 03.11.2021, 16.03.2022 (Annexure P-3) and 21.10.2022 (Annexure P-4). So far as the claim of the petitioner that vide office order dated 06.09.2023, the condition of granting promotion beyond the post of Sub-Station Attendants (SSA) has been withdrawn, the said circular has come into force on 06.09.2023 and by that time, the petitioner had already retired from service and the same cannot be made effective retrospectively.

5. In view of the law laid down by a Division Bench in ***“Daleep Singh vs The Central Administrative Tribunal, Chandigarh Bench, Chandigarh and others”***, 2016(4) SCT 419, an employee who

has already retired from service cannot claim promotion after retirement.

6. In view of the above, there is no merit in the present petition and the same is dismissed.

(NAMIT KUMAR)
JUDGE

08.04.2024

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No