IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(214) **CWP-11592-2016**
Date of Decision: 14.02.2024

Devender Singh and others ……..…Petitioners

Versus

Punjab State Power Corporation Limited and Others ….....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Manish Soni, Advocate, for the petitioners.

Mr. Vishal Gupta, Advocate, for the respondents.

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NAMIT KUMAR, J.(ORAL)

1. The instant writ petition has been filed by the petitioners who are working as Revenue Accountants and have passed SAS Part-I examination, seeking a writ of Mandamus for effective implementation of office order dated 28.08.1984 (Annexure P-1) (effective from 01.11.1984) whereby, the combined cadre of Divisional Accountants and Revenue Accountants was segregated and Rules/Parameters for promotion to 25% each post of unqualified SAS Accountants (those who have not passed SAS Part-II examination) from SAS Part-I qualified Divisional Accounts/Revenue Accountants, was formulated.

2. It is the grievance of the petitioners that the same has been implemented in a totally biased and unfair manner so as to benefit the Divisional Accountants for the promotion to the post of SAS Accountants to the detriment of promotional rights of the petitioners who are Revenue Accountants.

3. While issuing notice of motion on 02.06.2016, the following order was passed :-

"An interesting question has been raised in this petition relating to Clause (v) of the Office Order dated 28.08.1984 (Annex P-1) issued by PSEB prescribing that 25% quota of the posts of SAS Accountants in the Revenue Wing will be available for promotion of SAS Part-I qualified Revenue Accountants, even had they not cleared SAS Part-II. These 25% of the posts were excluded from SAS Part-I qualified Divisional Accountants. At the same time, 25% of the posts of SAS Accountants, who were not in Revenue Wing, would continue to be available to SAS Part-I passed Divisional Accountants.

By passage of time an imbalance has been created by creation of large number of posts for Divisional Accountant. This has warped the ratio. The end result is that the cadre strength of Divisional Accountants has increased to 145 while the cadre of Revenue Accountants has shrunk to 31 posts of SAS qualified Accountants but the ratio and proportion remains the same. These are the sanctioned posts on either side. The petitioners are SAS Part-I qualified Revenue Accountants. This imbalance, it is urged, has eclipsed and shrunk the rights of the petitioners for promotion once available to them and their seniority positions have been downgraded relatively. SAS Accountants in the Revenue Wing have stagnated at seniority Sr.No.474, whereas the Divisional Accountants have reached to the level of 646 by promotion and juniors of the petitioners have also been promoted as SAS Accountants while the petitioners are stagnating at the same level for many years competing against 31 posts as against the fortunate lot who have as many as 145 posts. They have approached this Court for a direction to the Board to take steps to restore the balance in a fair equitable and rational manner to prevent stagnation in service.

Notice of motion, returnable by 28.07.2016.

In the meanwhile, any further promotions made from Divisional Accountants shall be subject to the final outcome of this petition."

4. The respondents have filed a written statement and para 4 of the same reads as under:

> 4………*It is pertinent to mention here that in case the total sanctioned post of SAS Accountants are 227 then 25% of 227 comes out to be 57. Thus, out of the total 227 posts of SAS Accountants, 57 posts are available for promotion of Divisional Accountants and Revenue Accountants, who have been promoted as Divisional Accountants and Revenue Accountants after passing SAS Part-I Examination, but have not passed SAS Part-II Examination. Thus, out of these 57 posts, 8 posts (25% of the posts of SAS Accountant in the Revenue Wing i.e. 25% of 31 posts as detailed below) are available for promotion from Revenue Accountants and 49 posts (25% post of SAS Accountants other than Revenue Wing i.e. 25% of 196 posts) are available for promotion from Divisional Accountants. Thus, as per office order dated 28.08.1984, the Revenue Accountants are being given their due share in promotion to the post of SAS Accountants by the respondent Corporation."*

5. The petitioners have filed replication and the relevant portion thereof reads thus:-

> "…………*Further, the allocation made by the respondent Corporation to the post of SAS Accountant vis a vis strength of Revenue/Divisional Accountant is reproduced in a tabular form as under:*

Name of post	Cadre Strength	Post reserved for promotion to SAS Account		
		Under 70% quota for SAS Part-II qualified	Under 25% for SAS Part-I qualified	Total
Revenue Accountant	383	23	08	31
Divisional Accountant	173	147	49	196

Further, the PSPCL has admitted that SAS Part-II qualified Accountants are eligible at par with Divisional Accountants for their promotion as SAS Accountants. It is therefore requested that SAS Part-I qualified Revenue Accountants and Revenue Accountants may be promoted as SAS Accountants considering their common seniority (as being done for promotion of SAS part-II qualified Revenue Accountants/Divisional Accountants) against 25% quota reserved for SAS Part-I qualified Revenue Accountant/ Divisional Accountants."

6. Learned counsel for the petitioners submits that although the petitioners had given detailed representation (Annexure P-10) to the Chairman-cum-Managing Director, PSPCL, Patiala, however no final decision on the said representation has been taken. He further submits that for redressal of their grievances as has been raised in the present petition, the appropriate directions be issued to the respondents to consider the claim of the petitioners as has been reflected in the representation (Annexure P-10) in a time bound manner and necessary benefits be granted to them.

7. Learned counsel for the respondents has no objection to the innocuous prayer made by the learned counsel for the petitioners. He further stated that the said representation will be considered and decided by the respondents objectively in a time bound manner.

8. In view of the above, Chairman-cum-Managing Director, PSPCL, Patiala, is directed to consider and decide the claim of the petitioners as has been enumerated in the representation (Annexure P-10), within a period of three months, from the date of receipt of certified copy of this order and in case, their claims are found to be acceptable on merits, then, in such eventuality necessary steps with regard to their promotion be taken and

consequential benefits be released, within a further period of two months thereafter. It is also ordered that the said representation shall be treated on behalf of all the petitioners including those who have already retired from service, in the interregnum.

9. The present writ petition is disposed of in the above terms.

(NAMIT KUMAR)
JUDGE

14.02.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No