

218

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-29783-2017
Date of decision: 13.02.2024

KAMAL KANT VASHISHTH

...Petitioner

VERSUS

THE MANAGING DIRECTOR DHBVN LIMITED AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. R. K. Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate for the petitioner.

Mr. Nitin Kaushal, Advocate for the respondents.

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 *certiorari* for quashing the order dated 09.11.2017 (Annexure P-9) passed by respondent No.2, vide which the claim of the petitioner has been rejected on the ground that the policy regarding the reservation for the Scheduled Caste category employees needs some revision and further a writ in the nature of *mandamus* directing the respondents to treat the recommendations of the Committee dated 03.07.2012 and 30.07.2012 (Annexure P-5 (Colly)) as null and void and promotion be granted to the petitioner.

2. Learned Senior Advocate appearing on behalf of the petitioner submitted that it is a case where the petitioner was eligible for being promoted to the post of Junior Engineer, which is so reflected vide Annexure P-5 at serial

No.13 to show that the petitioner was not only eligible but was also suitable and it has been so stated in the note qua him that he qualifies for promotion as Junior Engineer. However, persons upto serial No.12 were promoted but the petitioner was not promoted although was recommended for being promoted and in this regard, he referred to the minutes of meeting of the Screening Committee held on 30.07.2012, which is so appended with the present writ petition at page No.69 of the paper-book, wherein as per para No.4 it has been so stated that the petitioner, who was recommended for promotion has been deferred for want of information regarding the roster point as stated in the reservation policy for Scheduled Caste category. He also submitted that the only reason as to why the promotion of the petitioner although being recommended was deferred was that there was a lack of information pertaining to roster point. He further submitted that however, the aforesaid position was cleared vide Annexure P-7 (Colly), wherein it has been so decided that there was no need to change the policy already in existence since 2002 and action be taken as per the prevailing policy and rules. He further submitted that as per the prevailing policy, the petitioner was entitled for promotion at that point of time when other 12 persons were promoted and the petitioner has been deprived of his promotion for no reason and therefore, he was entitled for the promotion from the date when the aforesaid persons were promoted with all the consequential benefits.

3. On the other hand, learned counsel for the respondents submitted that the ranking list thereafter was changed and now rather a decision has to be taken in this regard by the concerned authorities with regard to the claim of the petitioner by passing an order.

4. After hearing learned counsel for the parties, this Court is of the view that the present writ petition can be disposed of with a direction to respondent No.1-Managing Director, DHBVNL, Vidhyut Sadan, Vidhyut Nagar, Hisar to consider the aforesaid factual position as so stated by the learned Senior Advocate appearing on behalf of the petitioner and to take an appropriate action.

5. Therefore, without commenting anything on the merits of the case, the present writ petition is disposed of with a direction to respondent No.1-Managing Director, DHBVNL, Vidhyut Sadan, Vidhyut Nagar, Hisar to pass a speaking order on the aforesaid claim made by the learned Senior Advocate appearing on behalf of the petitioner by giving an adequate opportunity of hearing to the petitioner or his counsel. The aforesaid order shall be passed within a period of three months from today. Needless to say, in case the petitioner is aggrieved by any such order passed by respondent No.1-Managing Director, DHBVNL, Vidhyut Sadan, Vidhyut Nagar, Hisar, then he shall be at liberty to file a fresh writ petition before this Court.

13.02.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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