

**216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-8632-2016 (O&M)

Date of decision: 15.03.2024

GAGANDEEP SINGH RAIKHI

...PETITIONER

VERSUS

**PUNJAB STATE POWER CORPORATION
LTD. AND ORS.**

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr.A.S.Nabhewala, Advocate for the petitioner.

Mr. Abhilaksh Grover, Advocate for the respondents.

NAMIT KUMAR ,J. (ORAL)

1. The present writ petition has been filed by the petitioner claiming the following relief:-

"i) Issue of a writ in the nature of Certiorari for quashing the impugned Combined Tentative Seniority List (Annexure P-7) issued by respondent No.2/Deputy Chief Engineer (Personnel), Punjab State Power Corporation Limited, vide letter dated 13.02.2014 (Annexure P-6) vide which juniors as well as lower in merit than the present petitioner i.e. respondent Nos.4 and 5 have been shown senior to the present petitioner while mentioning their names at Seniority Nos. 208 and 209 whereas subsequently the name of the present petitioner has been shown at Seniority No.216 erroneously, illegally and arbitrarily.

ii) Issue of a writ in the nature of mandamus for directing the respondents to promote the present petitioner as Additional Assistant Engineer (Testing) from the date when

the juniors to the present petitioner have been promoted that is w.e.f 12.02.2013 alongwith all the consequential benefits with interest at the rate of 12% per annum up to date."

2. Learned counsel for the respondents has produced a copy of the judgment and decree dated 05.08.2023 passed in Civil appeal No. 561 of 2019 by the Court of learned Additional District Judge, Jalandhar.

3. Perusal of the same shows that the petitioner had also filed a civil suit before the Court of learned ACJ SD, Jalandhar impugning the seniority list of JEs and claiming promotion to the post of Additional Assistant Engineer w.e.f 24.06.2010. Having failed in the said civil suit, he preferred an appeal before the first Appellate Court which has been allowed vide judgment and decree dated 05.08.2023 and the following relief has been granted.

"18. So, in view of above discussion, this Court is of the considered view that the impugned judgment & decree passed by the learned lower Court is not sustainable in the eyes of law and as such, same stands set-aside and the appeal filed by the appellant/plaintiff stands allowed. The respondents/defendants No.1 & 2 are directed to reconsider the seniority No.274(2) given vide order bearing No.13534 dated 07.11.2012 and appellant/plaintiff is entitled to promotion as Additional Assistant Engineer w.e.f 24.06.2010 with all consequential benefits and arrears along with interest @ 9% P.A. Decree sheet be prepared. Lower Court record along with copy of this judgment be returned. The appeal file be consigned to the Record Room.

*(Rana Kanwardeep Kaur Chahal)
Additional District Judge,
Jalandhar (UID No.PB00223)"*

4. The relief claimed in the present petition has been merged in the relief already granted to the petitioner in the judgment and decree dated 05.08.2023 passed by the learned Additional District Judge, Jalandhar, therefore, nothing survives to be adjudicated in the present petition.

5. Disposed of.

15.03.2024

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(NAMIT KUMAR)
JUDGE

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