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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-22281-2024

Date of Decision: 06.09.2024

Subhash Sharma

.....Petitioner

Versus

Haryana Vidyut Prasaran Nigam Ltd. and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Aditya Yadav, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of *certiorari* for quashing the Final Seniority List dated 28.06.2024 (Annexure P-6) of Assistant Engineers/Electrical to the extent that the seniority of the petitioner has been re-fixed at Sr. No.611 from Sr. No.556 as per the earlier seniority list dated 29.12.2023 (Annexure P-5) on the ground of delay in passing of the Safety Code Test in terms of office order dated 27.10.2014 (Annexure P-2) which is not applicable in the case of the petitioner as the department itself took the Safety Code Test Late and the petitioner passed the same in given chances without availing any extra chances and moreover, various similar employees, who passed the aforesaid test late have retained their seniority in the aforesaid final list and also his juniors have been shown over and above him, therefore, the action of the respondent-department is arbitrary, biased and *mala fide* and also against the Article 14 & 16 of the Constitution of



India.

2. Learned counsel for the petitioner submitted that the petitioner is working in the respondent-Department as Assistant Engineer. He further submitted that the name of the petitioner has been placed at Sr. No.611 instead of Sr. No.556 in the Final Seniority List dated 28.06.2024 (Annexure P-6) of Assistant Enigneers/Electrical by the respondent-Department on the ground of late passing of the Safety Code Test. The grievance of the petitioner is that the aforesaid reason given by the respondent-Department is not applicable to the petitioner because the department itself took the aforesaid Safety Code Test late and the petitioner passed the aforesaid test without availing any extra chance and moreover, similarly situated employees, who also passed the aforesaid test late, have retained their seniority in the Final Seniority List (Annexure P-6). He also submitted that the petitioner has filed a representation dated 10.07.2024 (Annexure P-7) before the respondent-Department but no action has been taken in this regard. He submitted that at this stage, the petitioner will be satisfied in case his representation (Annexure P-7) is directed to be decided by passing a speaking order in accordance with law in a time bound manner.

3. Notice of motion.

4. On the asking of Court, Mr. Gaurav Jindal, Addl. AG, Haryana, accepts notice on behalf of the respondents and stated that he has no objection, in case, a direction is issued to the respondents for considering and deciding the representation filed by the petitioner vide Annexure P-7 in accordance with law.

5. In view of the aforesaid position, without calling for the reply



from the respondents and without observing anything on the merits of the case, the present petition is disposed of with a direction to respondent No.2 to consider and decide the representation dated 10.07.2024 filed by the petitioner vide Annexure P-7 strictly in accordance with law by passing a well-reasoned speaking order within a period of four months from today.

06.09.2024

(JASGURPREET SINGH PURI)
JUDGE

Bhumika

- 1. Whether speaking/reasoned: Yes/No
- 2. Whether reportable: Yes/No