

CWP-31808 of 2024

2024:PHHC:156255



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

CWP-31808 of 2024

Date of decision: 26.11.2024

Jaswinder Singh

.....Petitioner

Versus

Punjab State Power Corporation Limited and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Pawan Kumar, Sr. Advocate,
with Ms. Vidushi Kumar, Advocate, and
Ms. Seema Rani, Advocate,
for the petitioner.

Mr. Rajesh Sehgal, Advocate,
for respondents No.1 and 2.

Ms. Saguna Arora, AAG, Punjab,
for respondent No.3.

NAMIT KUMAR, J. (ORAL)

1. Present petition has been filed for directing respondents No.1 and 2 to consider the case of the petitioner for promotion to the post of Assistant Engineer, Electrical in the 4% quota, reserved for the persons with disabilities in lieu of Section 34 of the Rights of Persons with Disabilities Act, 2016; for quashing promotion order dated 16.07.2023 (Annexure P-5), whereby juniors of the petitioner have been promoted in the physically handicapped category whereas the case of the petitioner has not been considered; for quashing/modification of promotion order dated 29.05.2024 (Annexure P-7A); for grant of promotion to the petitioner as Assistant Engineer with all consequential benefits from the date juniors of the petitioner have been promoted.



2. Learned Senior Counsel for the petitioner submits that various persons, junior to the petitioner, namely, Amardeep Singh, Sonu Sharma and Amar Singh, were promoted to the post of Assistant Engineer vide order dated 16.07.2023 while ignoring the claim of the petitioner. The claim of the petitioner for promotion was not considered only on the ground that he has suffered disability during service. He further submits that present case is squarely covered by the judgment of this Court in ***CWP-20174 of 2023 – Sukhmandar Singh v. Punjab State Power Corporation Limited and others rendered on 23.08.2024 (2024 NCPHHC 109250)***. He submits that for claiming the relief as has been claimed in the present petition, various representations have been submitted by the petitioner such as dated 03.01.2023 (Annexure P-6), 13.11.2019 (Annexure P-8), 31.01.2020 (Annexure P-9), 06.03.2020 (Annexure P-10), 14.09.2022 (Annexure P-11), 28.08.2024 (Annexure P-12) and 27.08.2024 (Annexure P-13). However, neither the claim of the petitioner has been accepted nor any reply has been given to the petitioner on the said representations. Learned counsel submits that at this stage, petitioner would be satisfied, if representation dated 27.08.2024 (Annexure P-13) is considered and decided by passing a speaking order in a time-bound frame.

3. Notice of motion to respondents No.1 to 3 only at this stage.

4. Mr. Rajesh Sehgal, Advocate, accepts notice on behalf of respondents No.1 and 2 and Ms. Saguna Arora, AAG, Pb., accepts

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notice on behalf of No.3 and they have no objection to the innocuous prayer made by learned counsel for the petitioner.

5. I have heard learned counsel for the parties and have gone through the record of the case.

6. Without expressing any opinion on the merits of the case or the claim being made by the petitioner in the present petition, respondent No.2 is directed to consider and decide the claim made by the petitioner in representation dated 27.08.2024 (Annexure P-13) in accordance with law, by passing a speaking order within a period of three months from the date of receipt of certified copy of this order.

7. The petition stands disposed of.

26.11.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No