



103

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

**CWP-13169-1999 (O&M)
Date of Decision: 10.03.2025**

HARMINDER SINGH AND ORS.

..... Petitioners

*Versus***HARYANA POWER GENERATION CORP. AND OTHERS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. R.K. Malik, Sr. Advocate with
Mr. Sandeep Dhull, Advocate
for the petitioners.

Mr. Udit Garg, Advocate and
Mr. Chirag Girdhar, Advocate
for respondents No.1 and 2.

Mr. Nikhil Lather, Advocate for
Mr. Anurag Goyal, Advocate
for respondents No.3 to 5.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Article 226 of the Constitution of India are seeking setting aside of action of respondent whereby private respondents have been promoted prior to them.

2. The petitioners joined respondent- Haryana Power Generation Corporation as Junior Engineer (for short, 'JE') on 07.07.1979, 12.06.1980, 27.05.1980, 27.05.1980 and 10.07.1989 respectively. They were promoted to the post of JE-I on 08.12.1988, 14.03.1989, 27.12.1988, 27.12.1988 and 07.09.1993 respectively. They passed their AMIE/BE/IME on 28.03.1992, 01.09.1993, 26.02.1994,



26.02.1994 and 08.04.1994. The appointment of petitioners as JE, their promotions to the post of JE-I and their passing of AMIE is tabulated as below:

Sr. No.	Petitioner's Name	Date of appointment as JE	Date of appointment as JE-I	Date of passing of AMIE/BE/IME
1.	Harminder Singh	07.07.1979	08.12.1988	28.03.1992
2.	Rajpal Khasa	12.06.1980	14.03.1989	01.09.1993
3.	Ashok Kumar Sethi	27.05.1980	27.12.1988	26.02.1994
4.	Rajinder Singh Malik	27.05.1980	27.12.1988	26.02.1994
5.	Baljit Singh	10.07.1989	07.09.1993	08.04.1994

3. The petitioners are claiming that their juniors have been promoted to the post of Assistant Engineer (for short ‘AE’) prior to them. They were holding post of JE-I whereas private respondents were holding post of JEs, thus, private respondents could not steal a march over them. They are relying upon judgment of this Court in **Civil Writ Petition No.3206 of 1997** titled as ‘**Sultan Singh Vs. State of Haryana**’.

4. *Per contra*, learned counsel for the respondents submit that as per Regulation 9 of Punjab State Electricity Board Service of Engineers (Electrical) Recruitment Regulation, 1965, 35% posts of AE are to be filled up by promotion in the following ratio:

- “(a) From amongst Engineering Subordinate having 5 year experience. 22-1/2%.
- (b) From amongst engineering Subordinate possessing AMIE/BE qualification with 5 years experience- 12-1/2%.”

The petitioners were indubitably appointed to the post of JE/JE-I prior to appointment of private respondents, however, they did



not qualify AMIE/BE, thus, at the time of promotion they could not be considered whereas private respondents who had completed 5 years service as Engineer and had qualified AMIE/BE were considered for the promotional post.

5. I have heard the arguments of learned counsel for the parties and perused the record with their able assistance.

6. Mr. R.K. Malik, Sr. Advocate for the petitioners is relying upon para 7 of judgment of this Court in *Sultan Singh (supra)* to contend that a person having higher scale should be considered for promotion if two similarly situated employees are entitled for promotion. The petitioners were holding post of JE-I, thus, respondents holding post of JE could not be given priority. They were eligible for promotion as per Clause (b) of Regulation 9.

7. From the perusal of above quoted regulation, it is evident that a candidate is eligible for the post of AE if he has completed service of 5 years as Engineer and has further qualified AMIE/BE. Experience of 5 years and passing of AMIE/BE are twin conditions. A candidate who has experience of any number of years but has not qualified AMIE/BE is not eligible for the post of AE. The petitioners and respondents at the time of promotion were having 5 years experience as Engineer. The petitioners were holding position of JE-I, thus, they were bound to be considered in priority than private respondents who were possessing 5 years experience as JE, however, both the set of employees were required to possess qualification of passing AMIE.

From the perusal of table prepared in para 2, it is evident that petitioners qualified AMIE during March' 1992 to April' 1994 whereas



private respondents passed AMIE during March’ 1991 and they completed 5 years service as Engineer during July’ 1991, thus, for all intent and purposes, they became eligible for the post of AE in July’ 1991. The petitioners though were having 5 years experience as Engineer but they cleared AMIE in 1992 or thereafter. Three petitioners even cleared AMIE in 1994, thus, respondent was bound to give priority to private respondents. The judgment cited by petitioners is inapplicable because in the said judgment regulation in question was not considered as that matter related to a totally different post.

8. In the wake of above discussion and findings, this Court is of the considered opinion that the present petition being bereft of merit deserves to be dismissed and accordingly dismissed.

9. Pending misc. application (s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

10.03.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No