



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

- 1)

CWP-484-1997 (O&M)
Reserved on: 28.10.2025
Pronounced on: 03.11.2025
- M.K. Verma

....Petitioner
- Versus
- H.S.E.B. through Secy. and others

...Respondents
- 2)

CWP-17721-1997 (O&M)
- Mani Ram and others

....Petitioners
- Versus
- The Haryana State Electricity Board, Panchkula and others

..Respondents
- 3)

CWP-1113-1997
- Duni Chand

....Petitioner
- Versus
- HSEB through Secretary and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.S. Bains, Senior Advocate with
Mr. S.S. Cheema, Advocate
for the petitioner(s).

Mr. Hitesh Pandit, Advocate
for the respondents (in CWP-484-1997).

Ms. Nikita Goel, Advocate
for the respondents (in CWP-17721-1997).

Mr. Gaurav Jindal, Advocate
for the respondent (in CWP-1113-1997).



HARPREET SINGH BRAR, J. (ORAL)

1. This common order shall dispose of aforementioned writ petitions, as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from **CWP-484-1997**.

2. The present writ petition has been filed under Article 226/227 of the Constitution of India for the issuance of an appropriate writ, order, or direction, directing the respondent authorities to promote the petitioner to the post of Assistant Engineer with effect from the date his immediate juniors were so promoted, with all consequential benefits

FACTUAL BACKGROUND

3. Briefly stated, the petitioner, Sh. M.K. Verma joined the service of the Respondent-Board as a Line Superintendent on 21.06.1968 through direct recruitment. The post of Line Superintendent was subsequently re-designated as Junior Engineer (Field) (hereinafter 'JE Field'). The petitioner was promoted to the post of Junior Engineer-I (hereinafter 'JE-I') on 15.12.1988.

4. The genesis of the present dispute lies in a series of office orders issued by the respondent-Board between 1992 and 1995, which repeatedly altered the petitioner's "deemed date of promotion" to the post of JE-I and consequently, his seniority number. A chronology of these orders is critical:

- a. 17.07.1992 (Annexure P-3): The petitioner was assigned a deemed date of promotion as JE-I as 24.10.1981.
- b. 26.07.1992 (Annexure P-4): A subsequent order superseded the previous one, and the petitioner was given the same seniority no. 460-A.
- c. 21.01.1994 (Annexure P-5): The petitioner's deemed date was changed to 03.12.1981 and his seniority number was altered to 480/A.



d. 07.04.1995 (Annexure P-6): The petitioner's deemed date was changed again, this time to 09.04.1985.

e. 14.08.1995 (Annexure P-7): This order, which the petitioner relies upon as the final and subsisting order, granted him a deemed date of promotion as JE-I with effect from 04.11.1978 and assigned him Seniority No. 323/A.

5. The petitioner made repeated representations to the respondent-Board (Annexures P-9, P-10, P-11) highlighting the fact that his juniors were being promoted to the next higher post of Assistant Engineer (hereinafter 'AE') on regular and ad-hoc basis while he was overlooked. Aggrieved by the inaction, the petitioner earlier approached this Court by way of CWP No. 1258 of 1996. Vide order dated 31.07.1996 (Annexure P-1), this Court disposed of the petition with a direction to the respondents to decide the petitioner's promotion case within two months.

6. In purported compliance, the respondent-Board passed an order on 03.10.1996 (Annexure P-2). Interestingly, while this order conceded that the petitioner was entitled to promotion as AE with effect from 01.04.1993, it declined to grant actual promotion on the ground of "non-availability of vacant posts" in the quota meant for departmental promotees belonging to Backward Class/Scheduled Caste categories. The order also listed six other officials who were stated to be senior to the petitioner and were also awaiting promotion.

7. During the pendency of this petition, the erstwhile HSEB was unbundled, and the petitioner was allocated to the Dakshin Haryana Bijli Vitran Nigam ('DHBVN'). Superintending Engineer/Administration, DHBVN in his reply stated that the petitioner was promoted to the post of AE on 31.01.2003



and subsequently retired from service on 30.06.2004. It is also asserted that the petitioner was the first person promoted by DHBVN after its formation and that no junior to him was promoted prior to his promotion in 2003.

CONTENTIONS

8. Learned counsel for the petitioners *inter alia* contends that the Respondent-Board, vide its own order dated 03.10.1996 (Annexure P-2), has unequivocally admitted and conceded that the petitioner is entitled to promotion as Assistant Engineer with effect from 01.04.1993. Having accepted the claim, the respondents are legally and equitably estopped from denying the actual promotion on the specious ground of “no vacancy.” Furthermore, the petitioner has placed on record an office order (Annexure P-19) which shows that as of 07.08.1996, dual charge was given to 10 officers, indicating the existence of at least 10 vacant posts of Assistant Engineer.

9. It is submitted that a large number of JE-I, who are admittedly junior to the petitioner in the seniority list (Annexure P-7), have been promoted to the post of AE. The petitioner has placed on record several promotion orders (Annexures P-8, P-12 to P-17) to demonstrate that officials lower in seniority were promoted, while the petitioner, despite being senior, was overlooked. It is contended that the respondents are duty-bound to review and, if necessary, revert such illegally promoted juniors in order to restore the legitimate rights of the senior employee.

10. Learned counsel for the petitioner contended that the reason cited in the impugned order (Annexure P-2) that six officials senior to the petitioner are also awaiting promotion is factually incorrect. It is submitted that officials at Sr. No. 1 (Sh. C.D. Sood) and 2 (Sh. Mani Ram) in the list had already been



promoted as AE/SDO. Official at Sr. No. 6 (Sh. Shashi Kant) also stood promoted. Official at Sr. No. 5 (Sh. Shiv Ram) was a non-diploma holder and hence ineligible for promotion as per Board policy. Only officials at Sr. No. 3 (Sh. Ram Kishan) and 4 (Sh. Ram Phal) were genuine seniors awaiting promotion, and their cases, along with the petitioner's, ought to have been considered by reverting the juniors.

11. It is emphatically argued that while there is a backward class quota for the post of JE-I, for promotion to the post of AE (a Class-II post), there is no separate quota or reservation for Backward Class candidates. The promotion to AE is to be made from a combined seniority list of JE-I. Therefore, the respondent's stand that the petitioner, being from a reserved category, cannot be promoted due to a lack of vacancies in the "BC/SC quota" for promotees is fundamentally flawed and legally untenable. The petitioner is claiming promotion based on his seniority in the general seniority list, not on any reserved quota.

12. *Per Contra*, learned counsel for respondents submits that the petitioner belongs to the Backward Class category and his promotion to JE-I and the grant of a deemed date with effect from 04.11.1978 (Annexure P-7) was an "accelerated promotion" granted under the reservation policy adopted by the Board. This accelerated promotion, however, did not confer upon him the right to "accelerated seniority" over general category candidates for further promotion to Class-II posts.

13. Relying on the law laid down by the Constitution Bench of the Hon'ble Supreme Court in ***R.K. Sabharwal Vs. State of Punjab 1995(2) SCT 646*** and subsequent Government instructions dated 10.01.1997 (Annexure R-



1), the respondents argued that from 10.02.1995, no employee belonging to a reserved category could be given the benefit of accelerated seniority on account of accelerated promotion. Since the petitioner's seniority was fixed vide order dated 14.08.1995 (after 10.02.1995), it was subject to review by the competent authority, i.e., Chief Engineer (Operation) Hisar in light of the latest instructions on that subject (Annexure R-1). Therefore, the seniority assigned to him in Annexure P-7 (Sr. No. 323/A) was tentative and not final.

14. Learned counsel for the respondents contended that the petitioner, being a reserved category candidate, cannot claim equity or parity with the promoted officials who belonged to the general category. The promotions of officials, as shown by the petitioner, were all of general category candidates. No junior belonging to the petitioner's reserved category had been promoted. It is submitted that the impugned order (Annexure P-2) correctly pointed out that several officials senior to the petitioner, also belonging to the reserved category, were awaiting promotion. The petitioner's turn would arise only after these seniors were accommodated.

OBSERVATION & ANALYSIS

15. I have heard the learned counsel for the parties and have perused the record with their able assistance. It has been brought to the notice of this Court that the Government of Haryana has notified the Haryana State Litigation Policy, 2025, with the primary objective of ensuring an efficient and accountable grievance-redressal framework within the administration, and with the overarching aim of reducing court pendency by curbing avoidable and repetitive litigation. The Policy seeks to bring about both qualitative and quantitative improvements in the manner in which litigation is initiated,



managed, and perceived by the State, recognising that responsible and proactive governance is integral to reducing the burden on the judiciary and ensuring timely justice.

16. Furthermore, under the aforementioned Policy, an Employees' Grievance Redressal Committee has been constituted for the specific purpose of addressing and resolving employee-related grievances in a structured and time-bound manner.

17. In view of the above, and in light of the judgments rendered by this Court in **CWP-2457-2025**, titled as **H.C. Sharma vs State of Haryana and others**, decided on 30.07.2025 and **CWP-28761-2025**, titled as **Ranjit Singh vs State of Punjab and others, decided on 25.09.2025**, the Employees Grievance Redressal Committee constituted under the Haryana State Litigation Policy, 2025 is directed to consider the issue involved in the present petition and pass a speaking order after affording an opportunity of hearing to the petitioners, within a period of 03 months from the date of receiving a certified copy of this order. Further, the decision taken thereof shall be conveyed to the petitioners. Needless to say, if the petitioners are found entitled to the relief sought, the same shall be granted to them forthwith.

18. The petition(s) are disposed of accordingly. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

03.11.2025
Neha

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