2025:PHHC:101472

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-11756-2025 (O&M)
Date of decision: 06.08.2025

Hasan Ali

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rakesh Nagpal, Advocate
for the petitioner.

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HARPREET SINGH BRAR, J. (ORAL)

1. Present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking setting aside the order dated 05.02.2025 (Annexure P-27), vide which claim of the petitioner for promotion to the post of Junior Engineer stands rejected and also the order dated 30.07.2024 (Annexure P-18), whereby respondents No.4 to 10, who are junior to him, were promoted to the post of Junior Engineer.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was appointed as Assistant Lineman on 11.05.2010 and joined on

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12.05.2010 and thereafter, on 30.11.2022, he was promoted to the post of Lineman and as such, joined on the said promotional post on 01.12.2022. Further, the petitioner acquired the Diploma in Computer Engineering in the year 2010 and he informed the respondent-Nigam for adding his qualification in the service record, as discernible from the letter dated 20.07.2011 (Annexure P-5). It is pertinent to mention here that erstwhile the respondent-Nigam was called as Haryana State Electricity Board (for short 'HSEB'), which was converted to Haryana Vidyut Parsaran Nigam Limited (for short 'HVPNL') and at present, there are four different power utilities i.e. HVPNL, Dakshin Haryana Bijli Vitran Nigam (for short 'DHBVN'), Uttar Haryana Bijli Vitran Nigam (for short 'UHBVN') and Haryana Power Generation Corporation Limited (for short 'HPGCL'). It is further contended that next promotional post is Junior Engineer, which is called as Subordinate Engineer under DHBVN-respondent No.2. Now the petitioner is working on the post of Lineman, which is equivalent to Engineering Subordinates, as defined in Regulation 2(g) of Punjab State Electricity Board Service of Engineers (Electrical) Recruitment Regulations, 1965 (as applicable to HSEB) (for short 'Regulations').

3. Learned counsel for the petitioner further contends that the post of Junior Engineer can either be filled up through direct recruitment or through promotion. For promotion to the said post, separate quota has been prescribed. As such, it is clear that the diploma holder is eligible to be

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promoted to the post of Junior Engineer (Electrical) on completion of three years' service as engineering subordinate and the petitioner being fully eligible has not been included in the ranking list, whereas other employees, who joined later than him, have been included in the ranking list. Due to arbitrary action of respondents No.2 & 3-Nigam, the petitioner has approached this Court by way of filing a petition i.e. CWP-23347-2024 seeking promotion to the post of Junior Engineer under 25% quota meant for promotion of the technical cadre subordinates on account of having qualified three years of service and having Diploma in Computer Engineering.

5. On 26.11.2024, aforesaid writ petition was dismissed as withdrawn, however, liberty was granted to the petitioner to move a comprehensive representation and the competent authority was directed to pass a speaking order, in accordance with law, after affording an opportunity of hearing to him, within a period of three months from the said date.

6. Learned counsel for the petitioner further contends that grievance of the petitioner is that the employees, who are junior to him, have been included in the revised ranking list. He claims parity with one Kapil, who was having Diploma in Computer Engineering and was promoted to the post of Junior Engineer by HVPNL. The petitioner is similarly situated to him and there is no reason to adopt different yardsticks in his case.

7. At this stage, Ms. Rajni Gupta, Advocate appears on behalf of respondents No.2 & 3 and files her *Vakalatnama* in the Court today, which is

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taken on record. Registry is directed to tag the same at the appropriate place of the case file. She opposes the prayer made by the petitioner on the ground that names of the private respondents were included in the ranking list in compliance of the order dated 21.02.2024 passed in CWP-3973-2024. Further, all the power utilities under the aegis of HVPNL are independent and are entitled to frame their own Rules and Regulations for promotion and appointment of their employees. Any benefit extended to a person of other Corporation having similar qualification would not entitle the petitioner to claim parity. Furthermore, in compliance of the order dated 26.11.2024 passed in CWP-23347-2024, a speaking order (Annexure P-27) has already been passed by the competent authority. It is further submitted that name of the petitioner was inserted in the tentative ranking list at Sr. No.42, which was circulated vide office order dated 15.06.2020 (Annexure P-13).

8. Having heard learned counsel for the parties and after perusal of the record of the case with their able assistance, it transpires that in terms of sub Regulation 1.5.4 of the Regulations, 25% posts were to be filled up by promotion on seniority-cum-merit basis from amongst all technical cadres subordinate staff and qualification prescribed for such promotion is BE/AMIE in Electrical/Electronics Engineering or three years Diploma in Electrical/Mechanical/Electronics Engineering, provided they should have three years experience on the posts in the respondent-Nigam for promotion to the post of Junior Engineer.

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9. A perusal of the notification dated 17.11.2003 (Annexure P-9) indicates that sub Regulation 1.5.4 of the Regulations was amended and promotional quota was increased to 25% from 20% for the technical cadre subordinate staff. Relevant portion of this notification reads as under: -

> *"25% posts instead of 20% posts will be filled up by promotion on seniority-cum-merit basis from amongst all Technical cadre subordinate staff such as; AFMs/SSAs/Lms/ASSAs/ALMs/Sas/Lab Attendants/Meter Mechanics/Lab Asstts./Helper Grade-II/Helper Grade-II/RWMs/T. Mates/Draftsman/Instrument Mech. Etc. possessing the qualification of BE/AMIE in Electrical/Mechanical/Electronics Engineering or 3 years Diploma in Electrical/Mechanical/Electronics Engineering provided they have 3 years experience on the above posts in the Nigam for promotion to the post of Junior Engineer."*

10. Admittedly, the petitioner does not possess the requisite qualification and he is having three years Diploma in Computer Engineering. Further, perusal of the impugned order dated 05.02.2025 (Annexure P-27) reflects that the same has been passed satisfying the objective standards of reason and justice. Learned counsel for the petitioner has not been able to point out any perversity or illegality in the impugned order and in the absence of requisite qualification, claim of the petitioner to promote him to the post of Junior Engineer has rightly been rejected by the competent authority.

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11. No other argument has been raised.

12. In view of the facts and circumstances of the case, finding no perversity or illegality in the impugned order, present petition is dismissed being bereft of any merit.

[HARPREET SINGH BRAR]
JUDGE

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

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