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

**CWP-13238-2025 (O&M)
Date of decision: 11.08.2025**

Vinod Kumar

... Petitioner

Vs.

Uttar Haryana Bijli Vitran Nigam Ltd. and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Munish Mittal, Advocate
for the petitioner.

Ms. Rajni Gupta, Advocate
for the respondents-UHBVNL.

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 quashing of the order dated 06.12.2024 (Annexure P-12) passed by respondent No.4 and further to direct the respondent authorities to promote the petitioner from the post of Assistant Sub Station Attendant to Sub Station Attendant as per his entitlement from the date, when his juniors have been promoted.

2. Learned counsel for the respondents-UHBVNL, at the very

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outset, submits that no junior employee to the petitioner from the Ambala Circle, where he is currently posted, has been promoted. At present, there is no vacant post of Sub Station Attendant available in the concerned circle. The the petitioner has been assigned seniority at Sr. No.8 in Ambala Circle and as and when, the vacancy would arise, he would be considered for promotion to the post of Sub Station Attendant. The relevant portion of the impugned order dated 06.12.2024 (Annexure P-12) passed by respondent No.4 reads as under:-

“It is pertinent to mention here that the juniors in question were working in other circles at the time of their promotions. Further, as per recruitment and promotion policy circulated from time to time vide notification No.27/REG-119 dated 10.10.1988, No.60/REG-137 dated 14.03.1990, No.1/REG-58 dated 05.09.2002, No.39/UII/GA-58 dated 10.01.2003, 50/UH/GA-58/REG dated 18.10.2006, 53/UH/GA-27/REG dated 11.01.2007, 65/UH/GA-27/REG dated 08.09.2008, 98/UH/GA-27/REG dated 14.05.2013, 120/UH/GA-27/REG dated 06.10.2015 & 121/UH/GA-27/REG dated 28.01.2016 and Policy No. 132/UI/GA-27/REG/Vol-II dated 20.09.2017 it is provided that such promotions are made amongst the ASSA in working in their respective circles The operative part of the policy dated 20.09.2017 is reproduced as under:-

2.3 Sub Station Attendant (SSA):-

"100% posts of Sub Station Attendant will be filled up by promotion from amongst the Assistant Sub Station Attendants working in respective circles on seniority-cum-

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merit basis. The incumbent, so promoted shall be on probation period for a period of 2 years."

Hence, in view of the above mentioned details the petitioner remained under OP Circle Ambala since his joining as SA w.e.f 17.01.2007 and has been promoted to ASSA on 21.10.2008 as per availability of posts under the said circle on seniority-cum-merit basis vide office order No.357 dated 23.10.2008. Thereafter 3 nos. officials have been promoted to the post of SSA vide office order No.190 dated 02.11 2015 i.e. Sh. Gurmukh Singh ASSA, Sh. Ram Kumar, ASSA & Sh. Satinder Pal Singh ASSA who were senior to Sh. Vinod Kumar, ASSA as per seniority list maintained by the said circle. Further, the juniors in question ie. Sh. Rajiv Kumar Sharma, (ASSA), Sh. Sandeep (ASSA). Sh. Jai Kishan (ASSA) and Sh. Anil Kumar (ASSA) were transferred to different circles i.e. Kaithal, Kurukshetra and Panchkula respectively. Further, they were promoted as per their seniorities that were being maintained in their respective circles i.e. Kurukshetra Circle, Kaithal Circle & Panchkula Circle and were promoted as per availability of vacancies. Moreover, Panchkula Circle was carved out of Ambala Circle and resultantly Sh. Jai Kishan was allocated Panchkula Circle where he was promoted as SSA as per seniority assigned to him in Panchkula Circle, whereas the petitioner continued in Ambala Circle.

It is pertinent to mention here that as per seniority list dated 31.07.2015 of Ambala Circle, the petitioner was assigned seniority at no 8 and at the time of last promotion to the post of SSA the petitioner was at seniority no. 6 in the respective seniority list of the said circle. The petitioner is senior most



ASSA in Ambala circle at present. Therefore, he can be promoted subject to availability of post and fulfillment of other eligibility criteria, but currently there is no vacant post of SSA available in the concerned circle on which he can be promoted.

Also in the case titled as UHBVN v/s Juglal vide LPA No. 941 of 2024, the Hon'ble Court has stayed the operation of the impugned judgment dated 17.08.2023 passed by the learned Single Judge on the grounds that the statutory provisions provides that the seniority is maintained at the circle level and no action can be taken in contravention to it.

Moreover, the Hon'ble Apex Court in the case titled as Bihar State Electricity Board and others V/s Dharamdeo Das vide Civil Apex No.6977 of 2015 has please to pass the judgment and operative part of the same is reproduced as under-

"Green the above legal position, in our view, the Division Bench of the High Court ought to have refrained from interfering with the findings returned by the learned Single Judge who has rightly held that merely because the respondent had completed the Kal Awadhi for promotion from the post of Under Secretary to Joint Secretary would not necessarily entitle him for appointment from the date the post fell vacant. This is not a case where the respondent has been deprived of promotion to the next higher post, nor is it a case where the action of the Board was guided by any malafides or colourable exercise of power. As noted above, the action of the Board was purely guided by administrative exigencies. The Resolution of the Board dated 26th December, 1991 for fixing the Kal Awadhi was only

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directory in nature and cannot be treated as statutory for the respondent to have claimed an entitlement to promotion reckoned from 29th July, 1997, instead of 5th March, 2003 Such a view is in consonance with the settled legal position and cannot be faulted.

It is pertinent to mention here that as per promotion policy on seniority-cum-merit basis Sh. Vinod Kumar (ASSA) can not be promoted to the post of SSA by (OP) Circle UHBVN Ambala as there is no vacancy at the post of SSA in the respective circle. Further, in case of any vacancy occurring at the post of SSA in the circle in future, the petitioner will be considered subject to his eligibility for promotion. Therefore, the claim of the petitioner is not feasible for acceptance in view of legal and factual position stated here in.”

3. In view of the aforesaid statement made by learned State counsel, present petition is disposed of.

4. However, the respondent authorities are directed to consider case of the petitioner for promotion to the post of Sub Station Attendant, as and when vacancy arises in Ambala Circle.

11.08.2025
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No