



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

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**CWP No.22839 of 2025
Date of decision: 07.08.2025**

Amit Kumar

....Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam Limited, Hisar and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.K. Malik, Sr. Advocate
with Mr. Kartikey Chaudhary, Advocate
for the petitioner.

Mr. Prince Singh, Advocate
for respondents No.1 to 4.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of certiorari, is for quashing the decision dated 08.07.2025 (Annexure P-8) vide which the claim of the petitioner for promotion as Junior Engineer from the date, his juniors have been promoted, has been rejected. Further prayer has been made to issue a writ in the nature of mandamus, directing the respondents to consider the claim of the petitioner for promotion as Junior Engineer from the date his juniors have been promoted and the petitioner be granted all consequential benefits.

2. Learned Senior counsel for the petitioner submits that the case of the petitioner is squarely covered by the decision rendered by



the Single Bench of this Court in **CWP-3403-2015**, titled as ***Vinod Kumar vs Dakshin Haryana Bijli Vitran Nigam, Hisar and others***, decided on **02.08.2016** (Annexure P-9). The official respondents preferred an LPA No.205 of 2017, before this Court which was dismissed by the Division Bench vide order dated 09.08.2017. The respondents preferred an SLP before the Hon'ble Apex Court, which was also dismissed on 02.02.2018.

3. Notice of motion.

4. Mr. Prince Singh, Advocate who is present in the Court accepts notice on behalf of respondents No.1 to 4 and submits that the petitioner has not submitted his application for consideration of promotion before the stipulated period, however, he could not controvert the fact that the case of the petitioner is squarely covered by the ratio of law laid down by this Court in ***Vinod Kumar's case (supra)***.

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

6. Admittedly, the case of the petitioner is squarely covered by the judgment of this Court in ***Vinod Kumar's case (supra)***, The operative part of the said judgment, reads as follows:-

"4. The only reason assigned to deny the petitioner promotion is that he did not submit his representation for promotion by the cut off date i.e. July 31, 2011. This is a specious plea based on an improper premise that one must ask for promotion like a beggar otherwise he will be denied consideration. Since all the material facts relating to the petitioner are in his service book and available in custody of the promoting authority it remains under bounden duty to place his name in the DPC for its consideration to make

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recommendations. In any case, in the matter of seniority and promotions there can be no discrimination in passing by names without valid reason. The right to seniority is a shared right with others. In the impugned order it is not disputed that respondents No.5 & 6 are junior to the petitioner. It is no argument or defence that the petitioner's name was added in the revised ranking list of 2011 after he made a representation in the matter. The petitioner has been wrongly ignored for promotion when his juniors were considered and promoted."

7. In view of the above, the writ petition is allowed. The impugned decision dated 08.07.2025 (Annexure P-8) is hereby quashed. Respondents No.1 to 4 are directed to reconsider the claim of the petitioner for promotion in light of the judgment of this Court in **Vinod Kumar's case (supra)**, within a period of three months from the date of receipt of a certified copy of this order.

8. If, upon such reconsideration, the petitioner is found eligible and suitable for promotion, all consequential benefits, including the arrears, shall be granted to him within a further period of two months from the date of such determination.

9. In case of any delay beyond the stipulated period of two months, the petitioner shall be entitled to interest at the rate of 9% per annum on the arrears, payable by respondents No.1 to 4.

(HARPREET SINGH BRAR)
JUDGE

07.08.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No