



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

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**CWP-13176-2026 (O&M)
Date of decision: 30.04.2026**

Suresh Malik

....Petitioner

Versus

Haryana Power Generation Corporation Limited and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Virender Kumar, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Advocate
for the respondents.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the impugned order dated 18.03.2026 (Annexure P-10) passed by respondent No.2 whereby the claim of the petitioner for considering him promoted as Assistant Fire Operator from the date of his joining on the said post w.e.f. 29.09.2022 instead of 01.05.2023 with all consequential benefits along with arrears of increments, etc. has been rejected. Further prayer has been made to direct the respondents to consider the petitioner as promoted to the post of Assistant Fire Operator w.e.f. 29.09.2022 instead of 01.05.2023 with all consequential benefits along with arrears of increments.



2. Learned counsel for the petitioner has, *inter alia*, contended that the petitioner was initially recruited as Fireman in Haryana Power Generation Corporation Limited (in short 'HPGCL') and posted at Panipat Thermal Power Station. He was promoted to the post of Senior Fireman on 24.06.2022. Thereafter, he was further promoted as Assistant Fire Operator (AFO) and was ordered to be transferred from Panipat to DCRTTP, Yamuna Nagar vide office order dated 22.09.2022 (Annexure P-1). The said transfer order was challenged by the petitioner in CWP-22506-2022, titled as ***Suresh Malik vs Haryana Power Generation Corporation Limited***, on the ground that he is about to superannuate in less than two years. The operation of transfer order dated 22.09.2022 was stayed by this Court on 28.09.2022 as is evident from Annexure P-2. Pursuant thereto, the petitioner submitted his joining/arrival report as Assistant Fire Operator on 29.09.2022 before the Fire Officer, PTPS, Panipat and also submitted departure report from the post of Senior Fireman on the same day as discernible from Annexures P-3 and P-4, respectively. Subsequently, the respondents modified the office order dated 22.09.2022 vide order dated 28.04.2023 (Annexure P-5) whereby the petitioner was posted as Assistant Fire Operator at HPGCL, Panipat. In continuation thereof, the petitioner again submitted the arrival and departure reports on 01.05.2023 as discernible from Annexure P-6. Learned counsel for the petitioner has placed reliance upon the e-mails dated 18.07.2024 (Annexure P-7) and 05.02.2025 (Annexure P-8), wherein the service particulars and salary



details of the petitioner as Assistant Fire Operator have been acknowledged by the respondents, and therefore, he is entitled to all consequential service benefits including annual increments. A legal notice dated 21.01.2026 (Annexure P-9) was served upon the respondents, however, his claim has been rejected vide impugned order dated 18.03.2026 (Annexure P-10).

3. *Per contra*, learned counsel for the respondents has reiterated the ground mentioned in the impugned order dated 18.03.2026 (Annexure P-10) and has submitted that the petitioner has tendered his satisfaction with regard to the amended office order dated 28.04.2023 (Annexure P-5) and as such, he is not entitled to any relief.

4. Having heard learned counsel for the parties and after perusal of the record, it transpires that vide composite order dated 22.09.2022, the petitioner was promoted from Senior Fireman to Assistant Fire Operator and simultaneously, transferred from Panipat to Yamuna Nagar. The petitioner challenged only the transfer part of the order in **CWP-22506-2022**, wherein operation of the transfer order was stayed by this Court on 28.09.2022. The operative part of the order dated 28.09.2022 passed in **CWP-22506-2022**, reads as under:-

“Learned counsel for the petitioner submits that the petitioner, who is working as Assistant Fire Operator has been transferred from Panipat to Yamunanagar although he is to superannuate in less than two years. The petitioner is also suffering from a heart ailment and is undergoing treatment at PGIMS, Rohtak.

Issue notice to the respondents.



At the asking of the Court, Mr. Dushyant Saharan, Advocate accepts notice on behalf of the respondents and prays for time to seek instructions.

List on 08.12.2022.

The operation of the impugned order qua the petitioner shall remain stayed till the next date of hearing.”

5. Pursuant thereto, the petitioner submitted the joining report on 29.09.2022 (Annexure P-3) and subsequently, the office order dated 22.09.2022 was modified on 28.04.2023 (Annexure P-5), whereby his place of posting was retained at Panipat. The relevant portion of the office order dated 28.04.2023 (Annexure P-5) is reproduced hereunder:-

“OFFICE ORDER NO.1570/EOM/G-129

DATED:28/04/2023

In partial modification of office order No. 490/EOM/G-129 dated 22.09.2022 proposed place of posting of Sh. Suresh Kumar (DOB:15.05.1966), Sr. Fireman (appeared at Sr. No.1) be treated as O/o CE/PTPS, HPGCL, Panipat in place of O/o CE/DCRTPP, HPGCL Yamunanagar, on his promotion on the post of Assistant Fire Operator.

The other terms and conditions will remain same.

This issue with the approval of Chief Engineer/PTPS, HPGCL, Panipat.”

6. Furthermore, there is no dispute regarding promotion of the petitioner to the post of Assistant Fire Operator and he has retired on the said post. Once the petitioner has actually discharged the duties on the promotional post w.e.f. 29.09.2022 till his superannuation, the

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respondents cannot deny consequential benefits, including increments, to the petitioner by adopting a hyper-technical approach.

7. In view of the above, the present petition is allowed and the impugned order dated 18.03.2026 (Annexure P-10) is set-aside. The respondents are directed to reconsider the claim of the petitioner in light of his continuous working as Assistant Fire Operator from 29.09.2022 till his retirement and release all the consequential benefits, including arrears of increments, etc. within a period of three months from the date of receipt of certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

30.04.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No