

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-24777-2021 (O&M)

Veena Kumari ... Petitioner

VS.

Bhakra Beas Management Board & Ors. ... Respondents

1.	Judgment reserved on	06.02.2026
2.	Judgment pronounced on	13.03.2026
3.	Judgment uploaded on	16.03.2026
4.	Whether operative or full judgment	Full
5.	Delay in pronouncement of full judgment and reasons, if any	NA

CORAM: HON’BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Sanjeev Kaushik, Advocate for the petitioner

Mr. Sanjiv Ghai, Advocate and
Mr. Manpreet Singh, Advocate for respondents No.1 & 2

Sandeep Moudgil, J.

(1). The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India, *inter alia*, by the petitioner being aggrieved by the promotion of respondent No.3, who is stated to be junior to the petitioner, as Superintendent Gr.I vide impugned order dated 18.11.2021 (Annexure P6) and thus seeks quashing thereof with a further direction to absorb the petitioner as Superintendent Gr.I.

(2). The petitioner was appointed as UDC on 18.04.2001 in the Irrigation Wing of the respondent-BBMB. She earned promotion firstly as Senior Assistant on 28.11.2008 and thereafter as Superintendent Gr.II on 28.12.2015 in Scheduled caste category. Respondent No.3, namely, Manjit Singh joined the Power Wing of the respondent-BBMB on 07.12.1987 followed by his promotion as Superintendent Gr.II on 01.07.2017 in general category. Their service up to this level was governed by BBMB Class II & IV Employees (Recruitment and

Condition of Service) Regulations, 1994, which maintain a single (integrated) seniority list across Irrigation and Power Wings for non-technical posts. The petitioner is aggrieved by the order dated 18.11.2021 (Annexure P6), by virtue whereof, respondent No.3 from the Power Wing has been promoted as Superintendent Grade-I ahead of her. Two other juniors were similarly promoted later on 04.01.2023. The representations of the petitioner were turned a deaf ear by the respondents prompting the petitioner to approach this Court by way of the instant writ petition.

(3). Learned counsel for the petitioner submits that the post of Superintendent Grade-I, being a Class II post, is governed by the BBMB Class I & II Officers (Recruitment and Conditions of Service) Regulations, 2015 (in short, "the 2015 Regulations"), which originally prescribed 8 years' experience as Superintendent Grade-II under Schedule A for promotion to Superintendent Grade-I, but this requirement was subsequently reduced to 1 year pursuant to the Board's decision taken in its 223rd meeting held on 03.01.2020.

(4). It is further urged that while promotion to Superintendent Grade-I is thus regulated by the 2015 Regulations, the seniority of non-technical employees up to the level of Superintendent Grade-II under the earlier 1994 Regulations was required to be maintained on an integrated basis across the Irrigation and Power Wings, except in respect of the Engineering Wing.

(5). It is argued that the respondents' decision to switch to wing-wise seniority lists is illegal and void inasmuch as the respondent-BBMB cannot make or change any regulation without prior approval from the Central Government and publication in the Official Gazette, as required under Section 79(9) of the Punjab Reorganization Act, 1966 as has been held by the Himachal Pradesh High Court

in *Kashmir Chand v. BBMB & Ors., 2018(4) ILR HP 327* as well as in *Ramandeep Singh Bains & Ors. v. BBMB & Ors., CWP No. 22903 of 2025* wherein this Court struck down a similar unapproved decision terming it to be colourable exercise of power by the Chairman.

(6). On the other hand, learned counsel for the respondent-BBMB submits that no cause of action has arisen to the petitioner as her claim is founded only on the date of promotion as Supdt. Grade-II, ignoring her overall length of service, departmental examination and the correct cadre structure. It is contended that respondent No. 3 is substantially senior in BBMB service, having joined much earlier and progressed through all ministerial posts in the Power Wing, whereas the petitioner entered service later and cleared the departmental examination much after respondent No. 3. The respondents rely on the following comparative service particulars to demonstrate this position:-

Particular	Respondent No. 3 – Manjit Singh	Petitioner – Veena Kumari
Date of birth	25.11.1964	05.01.1974
Wing / Cadre	Power Wing (BBMB Cadre)	Irrigation Wing (BBMB Cadre)
Initial appointment	LDC – 07.12.1987	UDC – 18.04.2001
Promotion as UDC	11.08.1995	Already UDC at induction
Promotion as Circle Assistant	11.10.2001	Not applicable (direct UDC → Sr. Assistant)
Promotion as Sr. Assistant	02.05.2003	28.11.2008
Promotion as Supdt. Grade-II	01.07.2017 (joined 03.07.2017)	28.12.2015 (joined 01.01.2016)
Departmental exam passed	22.12.1994	19.12.2006

(7). On this basis, it is argued that the typed seniority list (Annexure P-3) relied upon by the petitioner is wholly unreliable, as it carries an absurd date of birth, and therefore cannot be the foundation of any claim of seniority or promotion over him. The respondents further submit that the petitioner has suppressed material facts by not disclosing or challenging the Committee report dated 06.11.2020, duly approved on 28.09.2021, which clarified that seniority in the ministerial cadre up to Supdt. Grade-II is maintained wing-wise in view of the long-standing practice and structural differences between Irrigation and Power Wings, and that only the Class II post of Supdt. Grade-I is to be treated as an integrated cadre post under the 2015 Regulations.

(8). It is pointed out that the officials are posted to either wing at the induction stage by management without option, separate seniority lists are maintained by the respective cadre-controlling authorities for LDC/UDC/Circle Assistant/Senior Assistant/Supdt. Grade-II, and in practice Irrigation Wing officials often march ahead in promotions despite being junior in induction seniority and that anomaly was sought to be addressed by the Committee.

(9). Learned counsel therefore contends that the 2015 Regulations govern only Class I and Class II posts (including Supdt. Grade-I) and do not regulate the seniority of Class III posts such as Supdt. Grade-II, for which the non-integrated, wing-wise seniority regime continues to apply and as such, seniority at each Class III post in the ministerial cadre up to Supdt. Grade-II is thus correctly maintained wing-wise, and the petitioner's attempt to project an integrated seniority at the feeder level across both wings is a misreading of the rules.

(10). Heard learned counsel for the parties and the judgment was kept reserved on 06.02.2026.

(11). The basic grievance of the petitioner is that, though she was promoted as Superintendent Grade-II on 28.12.2015 in the Irrigation Wing and joined as such on 01.01.2016, respondent No. 3, who was promoted as Superintendent Grade-II in the Power Wing later, on 01.07.2017, has been promoted as Superintendent Grade-I before her. The petitioner stakes her claim solely on the ground that her date of promotion as Superintendent Grade-II is earlier, and attempts to project an integrated seniority of Superintendent Grade-II across the two wings, governed, according to her, by the 1994 Regulations and the 2015 Regulations.

(12). The material on record, however, shows that respondent No. 3 entered BBMB service much earlier and has longer overall service and earlier date of passing of the departmental examination. He joined as LDC on 07.12.1987, became UDC on 11.08.1995, Circle Assistant on 11.10.2001, Senior Assistant on 02.05.2003 and Superintendent Grade-II on 01.07.2017, and passed the departmental exam on 22.12.1994.

(13). On the other hand, the petitioner entered as UDC only on 18.04.2001, became Senior Assistant on 28.11.2008, Superintendent Grade-II on 28.12.2015 and passed the exam on 19.12.2006.

(14). The respondents have further explained, on the basis of a Committee report dated 06.11.2020 duly approved on 28.09.2021, that the ministerial cadre up to Superintendent Grade-II is a non-integrated, Class III cadre, with postings made to Power or Irrigation Wing at induction, separate wing-wise seniority lists maintained for all Class III posts, and only the Class II post of Superintendent

Grade-I treated as an integrated post governed by the 2015 Regulations. It was on this basis that five posts of Superintendent Grade-I were considered wing-wise and respondent No. 3, being at Sr. No. 1 in the Power Wing seniority list of Superintendents Grade-II, was duly promoted in accordance with the 2015 Regulation against a post allocated to that wing.

(15). In these circumstances, the petitioner’s contention that the 2015 Regulations, merely because they govern the Class II post of Superintendent Grade-I, also render Superintendent Grade-II an integrated post across wings cannot be accepted, since those regulations deal only with Class I and II posts and do not disturb the long-standing wing-wise seniority at the Class III level. Her further plea founded on Section 79(9) of the Punjab Reorganisation Act, 1966 is also untenable, as she has neither specifically challenged the Committee report/approval as a “regulation” lacking Central Government approval nor laid any factual foundation to attract those rulings, which turned on different fact situations.

(16). Thus, the entire edifice of the writ petition thus rests on an incorrect premise of integrated seniority at the Superintendent Grade-II level and once it is accepted that seniority up to that level is wing-wise, that the post in question belongs to the Power Wing, and that respondent No. 3 is the seniormost Superintendent Grade-II in that wing with longer service and earlier departmental qualification, no violation of Articles 14 or 16 is made out.

(17). The writ petition is, therefore, dismissed.

(18). Pending application(s), if any, stands disposed of.

13.03.2026
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No