

CWP-23565-2025 (O&M)

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

108+260

CWP-23565-2025 (O&M)
Date of Decision: **30.04.2026**

Shri Krishan And Others

....Petitioners

VERSUS

State Of Haryana And Others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Aditya Yadav, Advocate with
Ms. Hemlata, Advocate,
Mr. Viransh Ghawari, Advocate and
Mr. Atul Bhardwaj, Advocate
for the non-applicant/petitioners.

Mr. Prince Singh, Advocate
for respondents No.2 to 5.

Mr. Vijay Pal, Advocate
for respondents No.6 to 11.

Mr. Jasbir Mor, Advocate
for the applicant/proposed respondent No.12.

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ in the nature of *certiorari* for quashing the impugned order dated 01.07.2025 (Annexure P-9), *qua* the petitioners (received by the petitioners on 17.07.2025),

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whereby the promotion granted to the petitioners to the post of Line Man vide order dated 22.11.2011 (Annexure P-3) has been withdrawn after an inordinate delay of more than 14 years, without any fault on the part of the petitioners, and in violation of the settled proposition of law laid down by the Hon'ble Supreme Court in its judgment dated 11.12.1997 passed in Civil Appeal No. 7605–10 of 1996 titled as ***B.S. Bajwa and another vs. State of Punjab and others*** (Annexure P-11), being arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India.

1.1. Further, the present writ petition seeks issuance of an appropriate writ in the nature of *certiorari* for quashing the seniority list dated 29.07.2025 (P-10), *qua* the petitioners, whereby their seniority has been lowered after an inordinate delay of more than 14 years, in violation of the aforesaid settled proposition of law.

1.2. Further, the present writ petition seeks issuance of an appropriate writ in the nature of *mandamus* directing the respondents to consider and grant promotion to the petitioners to the post of Junior Engineer from the date their juniors, namely Munshi Ram and Beer Singh, were promoted vide promotion order dated 21.04.2025 (Annexure P-5), along with all consequential benefits.

2. Learned counsel for the petitioners *inter alia* contends that in compliance of the orders passed by this Court in ***CWP No.15558 of 1997***,

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the petitioners were appointed to the post of Assistant Lineman (ALM) with effect from the year 1997. Thereafter, the petitioners were promoted as Line Man on 21.11.2011 w.e.f. 05.07.2011, and subsequently as Assistant Foreman (AFM) on 13.05.2021. The petitioners represented the respondent-Nigam by raising a grievance on 21.04.2025 that the employees who were juniors to the petitioners have been promoted as Junior Engineers on 21.04.2025. A show cause notice was issued to the petitioners when the petitioners filed a representation in this regard and impugned order was passed by withdrawing the seniority granted to the petitioners w.e.f. 05.07.2011. As such, the seniority which was granted to the petitioners 14 years ago, cannot be withdrawn without there being any misrepresentation or fault of the petitioners. The case of the petitioners are squarely covered by the judgment of the Hon'ble Supreme Court in '***D.S. Bajwa Vs. State of Punjab***' 1998 (2) SCC 523, wherein, the Hon'ble Supreme Court has categorically held that the question of seniority should not be re-opened after a lapse of reasonable period.

3. *Per contra*, learned counsel for the respondent-Corporation submits that the recruitment and promotion of the petitioners are governed by the notification dated 10.10.1988, i.e., the Recruitment and Promotion Policy. By virtue of Clause 1.3.1, the post of Lineman is to be filled up by promotion only from amongst Assistant Linemen working in the respective

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circles on the basis of seniority-cum-merit. It is further submitted that seniority is to be determined at the circle level. All the petitioners belong to the Narnaul Circle, and as on 05.07.2011, a total of 16 posts were vacant against the sanctioned strength of Linemen. The contention of the petitioners regarding Beer Singh and Munshi Ram being juniors to them is wholly misconceived, as Beer Singh belonged to the Rewari Circle, whereas Munshi Ram was promoted as Lineman under the reserved category (Scheduled Caste) quota and thereafter earned further promotions under the same quota. As such, the promotions of Beer Singh and Munshi Ram have no nexus with the claim made by the petitioners.

4. Learned counsel for the private respondents submits that there is no dispute with regard to the fact that on the date when the petitioners were promoted along with others, there were 18 vacancies, whereas 38 employees were promoted. It is further submitted that the petitioners were granted the next promotion on 05.07.2011 even before the completion of their probation period. The promotion order itself clearly stipulated that confirmation of the petitioners would be subject to the successful completion of probation.

5. Learned counsel for the petitioner has assailed the impugned order on two grounds. Firstly, that the petitioner's promotion to the post of Lineman granted on 22.11.2011 (Annexure P-3) has been withdrawn after a

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period of fourteen years; and secondly, that the petitioner is senior to Munshi Ram and Beer Singh, who have been promoted to the post of Junior Engineer vide order dated 21.04.2025 (Annexure P-5), yet the petitioner's name has been ignored despite his alleged seniority.

6. Having heard learned counsel for the parties and upon perusal of the record, it transpires that the recruitment and promotion to the post of Lineman are governed by the Recruitment and Promotion Policy notified on 10.10.1988. Clause 1.3.1 governs promotion to the post of Lineman from the post of Assistant Lineman working in the respective circles. A perusal of the said clause clearly indicates that seniority is to be maintained at the circle level and promotion is to be made on the basis of seniority-cum-merit. Respondents No.2 to 5 have specifically pleaded in their reply that the promotions of the petitioners in the Narnaul Circle were made beyond the prescribed quota as on 05.07.2011, a total of 16 posts were lying vacant against the sanctioned strength of Linemen; however, 38 persons, including the petitioners, were promoted, thereby breaching the quota. It is further evident that Beer Singh does not belong to the Narnaul Circle, and his seniority is to be determined within his own circle, which has no nexus with the seniority of the petitioners. Moreover, Munshi Ram was granted promotion under the reserved category quota. He was initially appointed as Assistant Lineman on 13.10.1997, which is much prior to the

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appointment of the petitioners. The petitioners, on the other hand, were appointed in the year 2009 w.e.f. 1997 pursuant to judicial intervention. By the time the petitioners were appointed, Munshi Ram had already earned further promotion. Thus, the petitioners cannot claim seniority over Munshi Ram on the basis of total length of service, particularly when his promotion was made within the quota.

7. Further, the reliance placed by learned counsel for the petitioner on *D.S. Bajwa (supra)* does not advance the case of the petitioner. It is a settled principle of law that when a promotion is made outside the prescribed quota, seniority is to be reckoned from the date a vacancy arises within the quota, rendering the earlier service inconsequential for seniority purposes. Any such promotion granted beyond the quota is to be regularized only from the date a vacancy accrues within the quota, and seniority is to be counted from that date, not from the date of the earlier promotion made in excess of the quota.

8. The principle of quota is sacrosanct and must be strictly construed. Any action in breach of the statutory quota is unsustainable in the eyes of law. Reliance in this regard may be placed upon the judgment rendered by the Hon'ble Supreme Court in *Keshav Chandra Joshi vs Union of India, 1993 SCC (L&S) 694*.

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9. Moreover, the Hon'ble Supreme Court in *Union of India vs. Narindera Singh, 2008(1) SCC (L&S) 547*, has considered the issue of correction of mistake in granting promotions in which following was observed:-

*“It is true that the mistake was of the Department and the respondent was promoted though he was not eligible and qualified. But, we cannot countenance the submission of the respondent that the mistake cannot be corrected. Mistakes are mistakes and they can always be corrected by following due process of law. In **Indian Council of Agricultural Research & Anr. v. T.K. Suryanarayan & Ors., 1997(4) SCT 156: (1997)6 SCC 766**, it was held that if erroneous promotion is given by wrongly interpreting the rules, the employer cannot be prevented from applying the rules rightly and in correcting the mistake. If may cause hardship to the employees but a court of law cannot ignore Statutory Rules.”*

10. As observed above, any promotion granted in violation of the statutory quota is liable to be rectified, even if it causes some hardship to the petitioners. However, such rectification is unavoidable, as it would amount to nullifying the statutory rules and would violate Articles 14 and 16 of the Constitution of India. Accordingly, this Court finds no merit in the present writ petition, and the same is **dismissed**.

11. However, it is made clear that no recovery of financial benefits shall be effected from the petitioners on account of the passing of the impugned order.

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12. Pending miscellaneous application(s), if any, shall also stand disposed of.

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13. Prayer in this application (CM-6810-CWP-2026) filed under Order 1 Rule 10, read with Section 151 CPC is for impleading Mani Ram Mor, son of Mr. Dariya Singh Mor, posted as AFM, O/o TPMC DHBVN, Hisar, as respondent No.12 in the array of respondents for correct adjudication of the controversy in the present writ petition.

14. Prayer in the other application (CM-6811-CWP-2026) filed under Section 151 CPC is for issuance of an appropriate order or direction directing respondents No. 2 and 3 to promote the applicant/respondent No. 12, bearing seniority No. 3033, to the post of Junior Engineer (Field), particularly in view of the fact that, vide promotion order dated 21.04.2025 (Annexure P-5), employees up to seniority No. 2959 have already been promoted as Junior Engineers. It is further submitted that 60 posts of Junior Engineer (Field) are still lying vacant; therefore, the applicant/respondent No. 12 cannot be denied his legitimate right to promotion without any reasonable cause or jurisdiction.

15. In view of the above, since the main petition has already been dismissed, learned counsel for applicant/proposed respondent No.12 wants

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to withdraw both the above-said miscellaneous applications with liberty to approach the respondent-Corporation for redressal of the grievance.

16. Accordingly, both the miscellaneous applications stand dismissed as withdrawn. However, liberty is granted to the applicant/proposed respondent No.12 to approach the respondent-Corporation for redressal of the grievance.

(HARPREET SINGH BRAR)
JUDGE

30.04.2026
Parul Verma

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