

Report of Committee


To facilitate compliance of directions of the Hon'ble High Court dated 09.01.2014 [**Flag-1**] passed in CWP no. 16330 of 2005 titled Parveen Arora & Others Vs HPGCL & Others, a committee comprising of the following Officers from amongst all Power Utilities was constituted vide HPGCL office order no.103/HPG/GE-623 dated 28.02.2014 [**Flag-2**], with the approval of Principal Secretary/Power-Cum-Chairman, Haryana Power Utilities:-

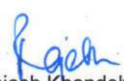
1	Sh. Chander Kumar Sehajwani, Chief Engineer/Admn., HVPN, Panchkula	Chairman of committee
2	Sh. Tarun Kumar, Chief Engineer/Admn., HPGCL, Panchkula	Member
3	Sh. R.R. Goel, Chief General Manager/Admn, DHBVN, Hisar	Member
4	Sh. V.K. Jain, General Manager/Admn, UHBVN, Panchkula	Member
5	Sh. Mahesh Singla, Xen Deputy Secretary/Estt (Gazt) HPGCL, Panchkula	Member Secretary


The Main Committee was further re-constituted latest vide HPGCL office order no.575/HPG/GE-623 dated 29.08.2014 [**Flag-3**], with the approval of Principal Secretary/Power-Cum-Chairman, Haryana Power Utilities:-


1	Smt. Poonam Bhasin, Legal Remembrancer, HPUs, Panchkula	Chairperson of committee
2	Sh. R.K. Bansal, Chief Engineer/Admn., HPGCL, Panchkula	Member
3	Sh. R.R. Goel, Chief General Manager/Admn, DHBVN, Hisar	Member
4	Sh. Rajesh Khandelwal, General Manager/Admn, UHBVN, Panchkula	Member
5	Sh. Sukarm Singh, Superintending Engineer/Admn.-I, HVPNL, Panchkula	Member
6	Sh. V.K. Jain, Superintending Engineer, UHBVNL, Panchkula	Member
7	Sh. R.K. Chandan, Xen-cum-Deputy Secretary/T&M, HPGCL, Panchkula	Member Secretary


2 The erstwhile HSEB was bifurcated into HPGCL and HVPNL vide notification dated 14.08.1998 called "Haryana Electricity Reform (Transfer of Undertaking, Assets, Liabilities, Proceedings and Personnel) Scheme Rules 1998 and further vide notification dated 01.07.1999 two more companies namely UHBVNL and DHBVNL were carved out of HVPNL to give effect to transfer of distribution undertakings of HVPNL vide rules called "Haryana Electricity Reform

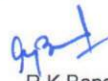

 R.K. Chandan
 Member
 Secretary



 Rajesh Khandelwal
 Member-cum-GM/Admn,
 UHBVN


 V.K. Jain
 Member-cum-
 GM/UHBVNL


 Sukam Singh
 Member-cum-
 SE/Admn.-I,
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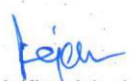


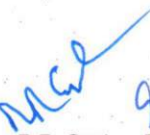



 R.K. Bansal
 Member-
 CE/Admn.,
 HPGCL


 Poonam Bhasin
 Chairperson-
 cum-LR/HPUs.

(Transfer of Distribution Undertakings from Haryana Vidyut Prasaran Nigam Limited to distribution companies) Rules 1999. The entire record laid scattered in four different companies, therefore, at the behest of Committee, the following Sub-Committees were got constituted by respective Utilities with the approval of respective administration to assist the Main Committee:-

1	O/o No. 154/HPG/GE-623 dated 21.03.2014	HPGCL [Flag-4]														
	<table border="1"> <tr> <td>i)</td> <td>Smt. Sharda Rani, Under Secretary-Cum-Chairperson</td> </tr> <tr> <td>ii)</td> <td>Sh. Prem Lal, Supdt. -Cum-Member</td> </tr> <tr> <td>iii)</td> <td>Sh. Manish Kumar, Assistant-Cum-Member</td> </tr> <tr> <td>iv)</td> <td>Sh. Yogender Verma, UDC-Cum-Member</td> </tr> <tr> <td>v)</td> <td>Sh. Suresh Kumar, UDC-Cum-Member Secretary</td> </tr> </table>	i)	Smt. Sharda Rani, Under Secretary-Cum-Chairperson	ii)	Sh. Prem Lal, Supdt. -Cum-Member	iii)	Sh. Manish Kumar, Assistant-Cum-Member	iv)	Sh. Yogender Verma, UDC-Cum-Member	v)	Sh. Suresh Kumar, UDC-Cum-Member Secretary					
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2	O/o No. 64/EG-327/2014 dated 03.03.2014	HVPNL [Flag-5]														
	<table border="1"> <tr> <td>i)</td> <td>Sh. Barjesh Gaiind, Supdt.-Cum-Chairman</td> </tr> <tr> <td>ii)</td> <td>Sh. Mahesh Minglani, Supdt. -Cum-Member</td> </tr> <tr> <td>iii)</td> <td>Sh. Raghubir Singh, Dy. Supdt.-Cum-Member</td> </tr> <tr> <td>iv)</td> <td>Sh. Sanjeev, Assistant-Cum-Member</td> </tr> <tr> <td>v)</td> <td>Sh. Surbinder, Assistant-Cum-Member</td> </tr> <tr> <td>vi)</td> <td>Sh. Jarnail Singh, Assistant-Cum-Member</td> </tr> <tr> <td>vii)</td> <td>Sh. Yogesh Kaushal, Assistant-Cum-Member Secretary</td> </tr> </table>	i)	Sh. Barjesh Gaiind, Supdt.-Cum-Chairman	ii)	Sh. Mahesh Minglani, Supdt. -Cum-Member	iii)	Sh. Raghubir Singh, Dy. Supdt.-Cum-Member	iv)	Sh. Sanjeev, Assistant-Cum-Member	v)	Sh. Surbinder, Assistant-Cum-Member	vi)	Sh. Jarnail Singh, Assistant-Cum-Member	vii)	Sh. Yogesh Kaushal, Assistant-Cum-Member Secretary	
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3	O/o No. 99/UH/HR-II/EBG-2814/CC dated 20.03.2014	UHBVNL [Flag-6]														
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4	O/o No. 133/GM/ADMN. Dated 20.03.2014	DHBVNL [Flag-7]														
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3. Before taking fresh exercise as per the directions given by Hon'ble High Court, it would be apt to note fact of every case to appreciate how they are/were placed. The factual background of the cases in hand. 11 No Civil Writ Petitions along with Parveen Arora were disposed off by way of

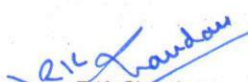
 R.K. Chandan Member Secretary	 Rajesh Khandelwal Member-cum-GM/Admn, UHBVN	 V.K. Jain Member-cum- GM/UHBVNL	 Sukam Singh Member-cum- SE/Admn.-I, HVPNL	 R.R. Goel Member-cum- CE/Admn, DHBVNL	 R.K. Bansal Member- CE/Admn., HPGCL	 Poonam Bhasin Chairperson- cum-LR/HPUs.
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Common Order dated 09.01.2014 by the Hon'ble High Court in CWP No. 16330 of 2005. Thereafter, 4 no. CWPs were disposed off in terms of above order:-


Sr No	CWP No	Particulars	Versus	Reference
1.	16330 of 2005	Parveen Arora and Others	HPGCL and Others	[Flag-8]
2.	8431 of 2007	Narender Sharma and Others	HPGCL and Others	[Flag-9]
3.	13409 of 2007	Atul Pasrija and Others	UHBVNL and Others	[Flag-10]
4.	10195/1993	Jaswant Singh Brar & Others	HPGCL and others	[Flag-11]
5.	12395/1997	R.P. Garg and Others	HPGCL and others	[Flag-12]
6.	11909 of 2006	Vijender Sangwan and Others	HPGCL and Others	[Flag-13]
7.	12099 of 2006	Raj Kumar Sharma and Another	HPGCL and Others	[Flag-14]
8.	17721 of 2006	Dharam Bir	HPGCL and Others	[Flag-15]
9.	10168/2006	Raj Kumar (22.5%) and Bhuvnesh Vashisht (12.5%)	HPGCL and others	[Flag-16]
10.	798/2007	O.P Kharab &Others	HPGCL and others	[Flag-17]
11.	9175 of 2006	Atul Kumar Jain	HPGCL and Others	[Flag-18]
12.	16883 of 2006	Sukhdev Singh and Others	HPGCL and Others	[Flag-19]
13.	16898 of 2006	Jagdish Parshad and Others	HPGCL and Others	[Flag-20]
14.	5300 of 2007	Sukhbir Singh	HPGCL and Others	[Flag-21]
15.	1593 of 2008	Satyavir Singh Yadav	HPGCL and Others	[Flag-22]


4. The Orders dated 09.01.2014 of the Hon'ble High Court are reproduced hereunder [Flag-1]:-


"This order will dispose of 11 writ petitions viz. Civil Writ Petition Nos. 16330 of 2005 titled as "Parveen Arora and Others v/s. Haryana Power Generation Corporation Limited and Others", No. 9175 of 2006 titled as "Atul Kumar Jain v/s. Haryana Power Generation Corporation Limited and Others", No. 11909 of 2006 titled as "Vijender Sangwan and Others v/s. Haryana Power Generation Corporation Limited and Others", No. 12099 of 2006 titled as "Raj Kumar Sharma and Others v/s. Haryana Power Generation Corporation Limited and Others", No.16883 of 2006 titled as "Sukhdev Singh and Others v/s. Haryana Power Generation Corporation



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Limited and Others", No. 16898 of 2006 titled as "Jagdish Parshad and Others v. Haryana Power Generation Corporation Limited and Others", No. 17721 of 2006 titled as "Dharam Bir v/s. Haryana Power Generation Corporation Limited and Others", No. 5300 of 2007 titled as "Sukhbir Singh v/s. Haryana Power Generation Corporation Limited and Others", No. 8431 of 2007 titled as "Narender Sharma and Others v/s. Haryana Power Generation Corporation Limited and Others", No. 13409 of 2007 titled as "Atul Pasrija and Others v/s. Uttar Haryana Bijli Vitran Nigam Limited and Others" and No. 1593 of 2008 titled as "Satyavir Singh Yadav v/s. Haryana Power Generation Corporation Limited and Others", as the common questions of law and facts are involved therein. To dictate order, facts are being taken from Civil Writ Petition No. 16330 of 2005.

By filing this writ petition, petitioners have laid challenge to order dated 15.9.2005 (Annexure P1) vide which seniority inter-se the parties was fixed in terms of order passed by this Court. Petitioners were not satisfied with the above order. They approached this Court by filing this writ petition. It is their grievance that respondents were promoted and adjusted in the posts meant for the petitioners. Be that as it may, during pendency of this writ petition, various interim orders were passed to settle matter between the parties. On 9.5.2012, following order was passed by this Court:-

"Adjudication of the dispute in hand is likely to affect inter-se rights of direct recruits and promotees. The issues involved in these petitions are a legacy of the then Haryana State Electricity Board, now represented by four different companies.

We, therefore, direct Mr. Narender Hooda, Standing Counsel for these companies, to get in touch with the Managing Directors of these companies and if possible workout a solution that would satisfy the rights of all concerned.


Adjourned to 17.05.2012."

The Haryana Power Generation Corporation Limited was directed to work out a solution so that rights and entitlement of the petitioners and the respondents, inter se, is not harmed. In response thereto, on 17.5.2012, a proposal was placed on record. The said proposal reads thus:-


"Matter discussed today i.e. on 15.5.2012 in the chamber of Chairman of Haryana Power Utility wherein all M.Ds were also present. As per the discussion held only workable solution which is also legally sustainable is that the quota post of promotees be calculated as per availability of quota in terms of policy in vogue and they may be re-assigned seniority from the date their quota post is available. The above will settle grouse of direct recruits who were otherwise appointed in the year 1993 i.e. much after date of promotions/deemed dates given in 1991 to Rajinder Singh Redu & others. Even otherwise as per the settled law a direct recruit will get seniority from the date he is borne on the cadre while a promotee will get seniority from the date quota post is available.


Re-fixation of seniority may entail reversion of promotions carried out in excess of quota or non-availability of quota and consequently re-fixation of pay. The Standing Counsel may be apprised of the



R.K. Chandan
Member
Secretary



Rajesh Khandelwal
Member-cum-GM/Admn,
UHBVN


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Member-cum-
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R.R. Goel
Member-cum-
CE/Admn,
DHBVNL


R.K. Bansal
Member-
CE/Admn.,
HPGCL


Poonam Bhasin
Chairperson-
cum-LR/HPUs.

above stand of Utilities byway of short affidavit in order to comply with the directions contained in order dated 9.5.2012.”


In the proposal made, a solution has been offered. Counsel for the petitioners are satisfied with the proposal made and have no objection to the same. Counsel for respondents No.3 to 17 states that in earlier round of litigation, some favourable judgments were passed in favour of the respondents, protecting their rights and those may be kept in mind when acting upon the proposal, so made. Those judgments have been placed on record as Annexures P7 & P8, respectively.

In view of above facts, the above writ petitions are disposed of. The authorities are directed to act in terms of the decision taken on 15.5.2012 which was placed on record of this Court on 17.5.2012. In terms of that decision, let fresh exercise be done to settle right of the parties. When making that exercise, judgments, passed in favour of respondents No.3 to 17 and similarly situated other persons be kept in mind. When making above said exercise, the decision taken on 15.9.2005 (Annexure P1 i.e O/o 330/HPG/GE-623 dated 15.09.2005) [Flag-23] shall not affect rights of the parties. The exercise shall be done within five months from the date of receipt of a certified copy of this order. Liberty shall remain with the parties not satisfied with the order to be passed to approach this Court.”


5. In order to correctly appreciate the controversy and the issues involved in the petitions referred in para-3, it is relevant to refer to facts relating to CWP-6557 of 1993 (Rajender Singh Redhu & Others V/s HSEB), LPA No. 641 and 656 of 1997 (HSEB V/s Rajender Singh Redhu & Others) which were under adjudication and were connected with CWP-16330 of 2005 (Parveen Arora & Others V/s HPGCL). CWP No. 6557 of 1993 was filed by Rajender Singh Redhu and others (posted in Generation Cadre) in Hon'ble Punjab & Haryana High Court in the year 1993 for quashing the promotion orders of junior respondents (posted in General Cadre) carried out vide Office Order No. 507-EG-5/AMIE/BE/Vol-III dated 18.12.1991 [Flag-23], Office Order No. 9/ EG-5/AMIE/BE/vol III dated 07.01.92 [Flag-24], Office Order No. 22/EG-5/AMIE/BE/vol III dated 13.01.1992 [Flag-25], Officer Order No. 96/EG-5/AMIE/BE/Vol-III dated 03.03.1992 [Flag-26], O/o No. 155/EG-5/AMIE/BE/Vol-III dated 06.04.92 [Flag-27], and to consider the claim of the petitioners for promotion to the post of Assistant Engineer w.e.f. the dates the Private Respondents were considered and promoted with all consequential benefits.


The petitioners of CWP No. 6557 of 1993 alleged that they were senior and had qualified the examination of AMIE / BE on the date much prior to the date when the private respondents had qualified the examination. They had further contended that the petitioners were entitled to be considered for promotion even prior to the consideration of the private respondents for promotion to the post of



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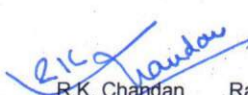
Assistant Engineer as the cadre of Assistant Engineer is one i.e an Assistant Engineer could be posted either in Generation or in Field and having the common seniority.


6. Now coming to the contentions raised viz-a-viz material available on record, the erstwhile HSEB had carried out promotions of the Engineering Subordinates, having AMIE/BE degree under 12½ % quota in General Cadre/ Field Cadre to the post of Assistant Engineer on Adhoc basis in terms of provisions of PSEB service of Engineers (Electrical) recruitment regulation 1965 (as applicable to HSEB) amended vide Secretary/HSEB, Panchkula Office Order No. 21/Reg-18 dated 19.02.1988 read with notification No. 89/Reg-31 dated 13.02.1991 and further read with Secretary HSEB Panchkula Memo No.Ch.96/REG-137 dated 27.03.91 vide office orders mentioned below:-

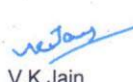
a)	O/o No. 507/EG-5/AMIE/BE/Vol-III dated 18.12.1991	[Flag-23]
b)	O/o No. 9/ EG-5/AMIE/BE/vol III dated 07.01.92	[Flag-24]
c)	O/o No. 22/EG-5/AMIE/BE/vol III dated 13.01.1992	[Flag-25]
d)	O/o No. 96/EG-5/AMIE/BE/vol-III dated 03.03.1992	[Flag-26]
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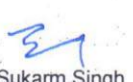
7. As per the prevalent policy in vogue, the promotion of the Junior Engineers to the next cadre (Assistant Engineers) is governed by the Punjab State Electricity Board Service of Engineers (Electrical) Recruitment Regulations, 1965 (hereinafter referred to as the Regulations) issued vide Secretary/HSEB, Panchkula Office Order No. 21/Reg-18 dated 19.02.1988 [Flag-28] as it existed at that time. As per Regulation 9 (i), 65% posts of the Assistant Engineers are to be filled up by direct recruitment and 35% by promotion from amongst the persons holding posts of Engineering Subordinates both in the Generation cadre as well as in the General Cadre. Out of the said 35% quota, 22 ½% of the posts are to be filled up by the Seniority from amongst the persons who are having experience of 5 years in the cadre of Junior Engineer-I and the remaining 12 ½ % are to be filled up from amongst the persons who possess the degree of AMIE/BE and are having experience of 5 years. In terms of the said Regulation, for consideration for promotion of AE from AMIE/BE against 12½% quota, it was to be considered from the ranking list prepared from the date of passing of AMIE/BE.


8. During the period 19.02.1988 to 11.10.1993, for carrying out of promotion of Junior Engineers/ Junior Engineers-I to the next post (Assistant Engineer) were governed by Regulation-9 of Punjab State Electricity Board Service of Engineers (Electrical) Recruitment Regulations-1965, amended vide Secretary/HSEB,



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Panchkula Office Order No. 21/Reg-18 dated 19.02.1988 [Flag-28] read with notification No. 89/Reg-31 dated 13.02.1991 [Flag-29] (by amendment of experience clause of 5 years to 2 years) and further read with Secretary HSEB Panchkula Memo No.Ch.96/REG-137 dated 27.03.91[Flag-30], In the said period eligibility for consideration for promotion to the post of AE from AMIE/BE against 12.5% quota, the date of passing AMIE/BE is to be considered and availability of quota posts of AE (calculated on sanctioned strength) were the determining factors.


9. During the pendency of CWP No. 6557 of 1993, erstwhile HSEB further amended the PSEB service of Engineers (Electrical) recruitment regulation 1965 (as applicable to HSEB) vide its Office Order No. 167/REG-21/L-II dated 12.10.1993[Flag-31], read with O/o No.168/REG-21/L-II dated 20.10.1993 [Flag-32]. In terms of order dated 12.10.1993 & 20.10.1993, the determination of the eligibility for promotion to the post of Assistant Engineer was the acquisition of qualification of AMIE/BE and completion of 5 years service in the cadre of Engineering Subordinates. The eligibility was thus to be determined on satisfying both the conditions. The share quota posts of AEs were to be calculated on the vacancies which had arisen either by new creation, retirement, promotion etc.

10. The Hon'ble Punjab & Haryana High Court vide order dated 29.07.97 allowed CWP No. 6557 of 1993 titled as Rajender Singh Redhu & Others and the promotion orders of Junior respondents (posted in General/Field Cadre) vide Office Order No. 100 dated 7/22.04.94 [Flag-33] and Office Order 343/EG-5/AMIE/BE/DH/REG dated 14.08.98 [Flag-34], as mentioned at Sr. no 6 (a) and 6 (b) above were set aside. Further the Court had ordered all the consequential benefits to petitioners of CWP No 6557 of 1993 i.e Rajender Singh Redhu and others.

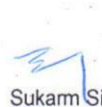
For the facilities of reference, names of all the petitioners and respondents in the CWP No. 6557 of 1993 are given hereunder:-


Sr. No.	Name of the petitioner	Name of the respondent
1	Sh. Nawal Kishore Khurana (DOB. 10.11.1958)	Sh. Kashmir Singh Saini
2	Sh. Puran Lal Saluja, JE (DOB-01.09.1950)	Sh. Chander Pal Singh Tanwar
3	Sh. Subhash Chand Mittal, JE (DOB-12.06.59)	Sh. Ram Jawaya Gupta
4	Sh. Rajender Singh Redhu, JE (DOB-10.01.1961)	Sh. Jai Pal Singh Malik
5	Sh. Nand Kishore, JE (DOB-02.08.1961)	Sh. A.P.Mehta



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HVPNL


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Member-cum-
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6	Sh. Satbir Singh, JE (DOB-10.07.62)	Sh. Ram Niwas Rohila
7	Sh. Tilak Raj Dhingra, JE (DOB-30.11.1967)	Sh. Rajiv Mishra
8	Sh. Sushil Kumar Goel, JE (DOB - 10.03.1968)	Sh. Parkash Chand Saini
9	Sh. Sanjay Sidhana, JE (DOB-25.11.1967)	Sh. Manoj kumar
10	Smt. Seema Khurana, JE (DOB-19.02.1969)	Sh. Birender Singh Kamboj
11	Sh. Ravinder Singh, JE (DOB-08.10.66)	Sh. Baljeet Singh
12	Sh. Chanda Singh, JE (DOB-24.04.68)	Sh. Raj Pal Singh
13	Sh. Randhir Singh, JE (DOB- 19.09.63)	Sh. Sube Singh
14	Sh. Vinod Kumar, JE (DOB- 14.05.69)	Sh. Naresh Kumar Makkar
15	Sh. Sanjeev Kumar Garg, JE (DOB-19.04.1970)	Sh. Kali Ram Gupta
16	Sh. Dharam Pal, JE (DOB- 16.02.1965)	

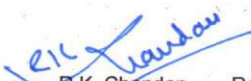

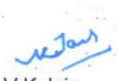
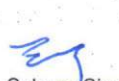



11. The Letters Patent Appeals No. 657 of 1997 and 641 of 1997 was filed by erstwhile HSEB and Sh. Manoj Kumar private respondents of CWP No. 6557 of 1993 respectively against the aforesaid Judgement. LPAs were dismissed by this Hon'ble Court vide common Order dated 17.12.2004 [Flag-35] which is reproduced below:-

"These appeals are directed against order dated 29.7.1997 passed by the learned Single Judge in CWP No. 6557 of 1993 - Rajender Singh Redhu and others Versus Haryana State Electricity Board and others, whereby he quashed the promotions of Junior Engineers (respondent Nos. 17 to 31 in LPA No. 657 of 1997) to the posts of Assistant Engineers and directed the Haryana Electricity Board (for short, the board) to consider the claim of the writ petitioners for promotion on those posts.

For the sake of convenience, we have taken the facts from LPA No. 657 of 1997. In response to advertisement No. CRA-104 dated 13.8.1988 issued by the Board, the respondents including the writ petitioners applied for recruitment as Trainee Junior Engineers (Electrical, Mechanical and Electronics). The relevant extract of the advertisement is reproduced below:-

"The candidates will have to undergo training for one year at a fixed pay of Rs. 1400/- per month. The period of training can be extended further at the discretion of the board. On successful completion of training they will be absorbed in the regular service of HSEB as Junior Engineer in the pay scale of Rs. 1640/2900 plus allowances as may be sanctioned by the Board from time to time and they can either be posted in any Thermal Generation Project within the jurisdiction of HSEB including BBMB/BCB or outside Haryana State or in the field cadre at the discretion of the Board. An undertaking showing their willingness to this effect should be furnished by the prospective applicants alongwith their application".

On being recommended by the Selection Committee constituted by the Board, respondent nos. 1 to 16 were appointed in the Generation Projects (Generation Cadre) and respondent Nos. 17 to 31 were posted in General Cadre (Field cadre). In the course of service, the respondents passed BE/

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AMIE. Thereafter, vide orders dated 18.12.1991, 13.1.1992 and 3.3.1992 (Annexures P2 to P4 in CWP No. 6557 of 1993), respondent nos. 17 to 31 were promoted as Assistant Engineers on adhoc basis against the vacancies of direct recruitment quota. Note Nos. 2, 3 and 4 incorporated in these orders, which have bearing on the decision of the appeals read as under:-

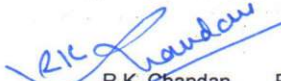

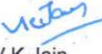


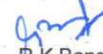

1. The above promotions on adhoc basis over and above the share quota have been ordered in terms of Regulation 9 of PSEB Service of Engineers (Elect.) Recruitment Regulations – 1965 amended vide order No. 21/Reg-18 dt 19.2.88 read with Notification No. 89 dt. 13.2.1991.
2. The above promotions on adhoc basis will not confer upon them any right of seniority and regular promotion in the capacity of Assistant Engineer.
3. The earlier adhoc promotion in respect of the above named officials will not give them any right of seniority over those who may otherwise be senior to them and whose cases are pending for one reason or the other.

Respondent nos. 1 to 16 represented against the promotion of respondent nos. 17 to 31 by asserting that the action of the Board was discriminatory and violative of the Punjab State Electricity Board service of Engineers (Electrical) Recruitment Regulations, 1965 (for short, the Regulations) as applicable to the Board. They claimed that being senior in the cadre of Junior Engineers from the point of view of the merit determined by the Selection Committee and the date of passing of BE/AMIE, they were entitled to be considered for promotion before their juniors could be promoted. Having failed to evoke response from the concerned authorities of the Board, respondent nos. 1 to 16 filed CWP No. 6557 of 1993 for quashing orders Annexures P2 to P4 with the direction to the Board and its functionaries to promote them as Assistant Engineers.

In the written statement filed on behalf of the Board, it was not disputed that respondent nos. 1 to 16 were placed higher in the merit list prepared by the Selection Committee and that they had passed BE/AMIE, before respondent nos. 17 to 31. However, their claim of being considered for promotion to the posts of Assistant Engineers was contested on the premise that there were two cadres of Junior Engineers, namely Generation Cadre and Field Cadre and respondent nos. 17 to 31 who belong to Field cadre were promoted against the post earmarked for that cadre in the direct recruitment quota.

On a consideration of the rival pleadings and arguments of the counsels for the parties, the learned Single Judge allowed the writ petition by observing as under:-

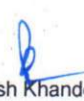
"From the advertisement, Annexure P1, it is clear that the candidates selected pursuant to said advertisement could either be posted in Thermal/ General projects or in the field cadre (General Cadre) at the discretion of the Board. Admittedly, all the writ petitioners were higher in the merit list in comparison to all the private respondents and all the writ petitioners were posted in Generation Cadre not because they had opted for posting in that

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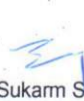
cadre but only because of the orders passed by the respondent - Board. As stated herein above, the Junior Engineers working in Generation cadre can be transferred to the General Cadre and vice versa. From the facts on record, it is also clear that the promotions made to the posts of Assistant Engineer vide impugned order. Annexures P-2, P-3 and P-4, were made against the posts meant for direct recruits and for those posts, the private respondents have got no preferential right to be considered qua the writ petitioners. As a matter of fact the writ petitioners had qualified the examination of AMIE /BE prior in time than all the private respondents and in terms of Regulation 9, they were entitled to be considered and promoted to the post of Assistant Engineer prior in time than the private respondents. There is no stipulation in the statutory rules that in case vacancies arise in the General Cadre, then only persons working in the General Cadre could be promoted as Assistant Engineer. On the contrary, the cadre of Assistant Engineers is only one cadre and as such persons working in the Generation Cadre could not be discriminated qua the persons working in the General Cadre while making promotions to the posts of Assistant Engineers. "Shri Mukul Aggarwal, learned counsel for the Board and Sh. Sanjiv Bansal, learned counsel for appellant - Manoj Kumar assailed the order of the learned Single Judge by arguing that the view taken by him on the issue of eligibility and entitlement of respondent nos. 1 to 16 for promotion to the posts of Assistant Engineers is clearly erroneous. Shri Aggarwal pointed out that as per the Punjab Public Works Department (Electricity Branch) State Service Class-III (Subordinate Posts) Rules, 1952 (for short 'the 1952 Rules') which were adopted by the Board, there were two separate and distinct cadres of Junior Engineers i.e. General and Generation Cadres and argued that the learned Single Judge committed a serious illegality by quashing the promotion of respondent nos. 17 to 31 on the ground of non-consideration of the cases of respondent nos. 1 to 16 ignoring the fact that the posts of Assistant Engineers against which respondent nos. 17 to 31 had been promoted belonged to the General Cadre and respondent nos. 1 to 16, who were members of Generation Cadre, were not entitled to be considered for promotion against those posts. Shri Aggarwal and Shri Bansal emphasized that promotions of the Junior Engineers to the posts of Assistant Engineers were required to be made from amongst the persons belonging to their own cadres and the findings of the learned Single Judge that there was only one cadre of Assistant Engineers and the persons working in the Generation cadre could not be discriminated qua the persons working in the General Cadre, while making promotions to the posts of Assistant Engineers were erroneous. Learned counsel referred the amendment made in the Regulations vide notification dated 19.2.1988 and argued that promotion to the posts of Assistant Engineer is required to be made separately against the prescribed quota from amongst the Junior Engineers belonging to the field cadre and Generation Cadre.


Shri Rajiv Atma Ram, learned Senior Counsel appearing for respondent nos. 1 to 16 supported the order of the learned Single Judge and argued that the 1952 Rules do not envisage separate cadres for Junior Engineers



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