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**(2012) 01 P&H CK 0148**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : CWP No. 15078 of 1994**

Sadhu Singh

APPELLANT

Vs

Punjab State Electricity Board and others

RESPONDENT

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**Date of Decision :** 11-01-2012

**Acts Referred:**

Constitution of India, 1950 — Article 226

**Citation :** (2012) 01 P&H CK 0148

**Hon'ble Judges :** Alok Singh, J

**Bench :** Single Bench

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## Judgement

Alok Singh, J.—Petitioner has invoked the writ jurisdiction of this Court under Article 226 of the Constitution of India assailing order dated 4.5.1994 (Annexure P-4) whereby respondent No. 3 was promoted on the post of Auxiliary Plant Attendant and has further sought mandamus directing respondents No. 1 and 2 to appoint/promote the petitioner on the post of Auxiliary Plant Attendant.

2. Brief facts of the present case inter alia are that petitioner was appointed as skilled worker on 23.10.1975 by respondent No. 2 and he has worked on the post of skilled worker upto 11.6.1981; from 11.6.1981 to 16.7.1984 petitioner has worked as Instrument Fitter and from 17.7.1984 to 26.6.1990 has worked as Instrument Technician. Petitioner was promoted as Technician Grade-I (Instrument) on 27.6.1990. Petitioner was looking after the commissioning and maintenance of automation, temperature measuring instruments etc. Respondent-board, in order to fill up the posts of Auxiliary Plant Attendant, has invited applications. Petitioner has also applied for the post. As per the eligibility criteria, whosoever is matric and is having ITI in Electrical/Mechanical trade with eight years experience as Plant Attendant on condenser, boiler feed pump, shall be eligible for the post of Auxiliary Plant Attendant. Petitioner as well as respondent No. 3 have applied for the promotional post of Auxiliary Plant Attendant. However, respondent No. 3 was appointed as Auxiliary Plant Attendant ignoring the candidature of the petitioner saying that although

petitioner is matric and ITI Certificate holder in Electrical trade but he is not having eight years" experience as Plant Attendant.

3. I have heard learned counsel for the parties and have perused the record.

4. The short question involved in the present case is as to whether service rendered by the petitioner as Instrument Fitter w.e.f. 11.6.1981 to 16.7.1984 and as Instrument Technician w.e.f. 17.7.1984 to 26.6.1990 shall be counted to find out eight years" experience as Technician Grade -II (Instrument). As per notification dated 3.5.1990 (Office Order No. 169/TH/RTP-7), post of Fitter (Instrumentation) and Technician (Instrumentation) were directed to be merged in Technician Grade-II (Instrumentation) w.e.f. 3.5.1990.

5. Learned counsel for the petitioner has argued that since post of Instrument Fitter and Instrument Technician stood merged in Technician Grade-II w.e.f. 3.5.1990, therefore, service rendered by him as Instrument Fitter and Instrument Technician should be counted to find out eight years" minimum working experience as Technician Grade-II.

6. Learned counsel for respondent-board has argued that since petitioner was promoted on the post of Technician Grade-II on 27.6.1990, therefore, his past service rendered as Instrument Fitter or Instrument Technician shall not be counted to find out eight years" experience as Technician Grade-II, therefore, his candidature was rightly rejected.

7. Since post of Instrument Fitter as well as Instrument Technician stood merged in Technician Grade-II, therefore, I do not find any reason not to count service rendered by the petitioner as Instrument Fitter and Instrument Technician to find out the length of service as Technician Grade-II.

8. In the opinion of this Court, if post of Instrument Fitter and Instrument Technician is now known as Technician Grade-II w.e.f. 3.5.1990, therefore, service rendered by petitioner as Instrument Fitter and Instrument Technician should be counted to find out the total experience of working as Technician Grade-II. Consequently, I find that petitioner was eligible for the post of Auxiliary Plant Attendant and his candidature was wrongly rejected.

9. Since respondent No. 3 is working on the post of Auxiliary Plant Attendant w.e.f. 4.5.1994, therefore, at this stage it would not be fair to cancel the promotion/appointment of respondent No. 3 on the post of Auxiliary Plant Attendant, however, petitioner is entitled for appointment/promotion on the post of Auxiliary Plant Attendant.

10. Consequently petition is allowed in part. Respondents No. 1 and 2 are directed to grant promotion to the petitioner on the post of Auxiliary Plant Attendant w.e.f. 4.5.1994. All the monetary benefits shall be released in favour of the petitioner within 90 days from today.