

PUNJAB STATE ELECTRICITY BOARD PATIALA AND ANR.

v.

SAWINDER SINGH

FEBRUARY 2 1996

[K. RAMASWAMY AND GB. PATTANAIK, JJ.]

Service Law :

Promotion—Employees of Punjab State Electricity Board—Quota system held bad in law—Electricity Board extending the principle of seniority-cum-merit—Construction put up by the Board not correct—Appellate Court merely directing to consider whether the particular employee would be eligible or not as on the date promotion was due to him—Open to the Board to consider the case in accordance with rules, the law laid down in this regard and Pass appropriate order.

Punjab State Electricity Board, Patiala and Anr. v. Ravinder Kumar Sharma, [1987] 1 SCR 72, referred to.

CIVIL APPELLATE JURISDICTION : Special Leave petition (C)
No. 4182 of 1996.

From the Judgment and Order dated 10.1.95 of the Punjab & Haryana High Court in R.S.A. No. 2415 of 1994.

R.S. Sodhi for the Petitioners.

The following Order of the Court was delivered :

Delay condoned.

In *Punjab State Electricity Board, Patiala and Anr. v. Ravinder Kumar Sharma, [1987] 1 SCR 72*, the quota system for promotion was held to be bad in law. Consequently, the Electricity Board by its order dated November 14, 1986 extended the principle of seniority-cum-merit as the principle which was reiterated by this Court in C.A. 7792/95 @ SLP (C) NO. 22179/94 titled *Punjab State Electricity Board & Anr. v. Harvinder Singh*, dated August 24, 1995.

A The petitioners were directed to consider the case of the respondent for promotion as on November 14, 1986. In this Special Leave Petition arising out of RSA No. 2415/94, the High Court summarily dismissed the second appeal upholding the order of the appellate Court. The appellate Court in its judgment and decree dated February 23, 1994 modified in trial Court decree and stated that the defendants - appellants should consider the case of the plaintiff for promotion as on the date it was due and it is for the competent authority to take all the relevant factors into consideration and to decide as to whether the plaintiff was entitled for promotion. Further direction was given to dispose it of within the specified time with which we are not concerned.

C It is contended by Mr. Sodhi, learned counsel for the petitioners that the date, as envisaged in the judgment, is not relevant as it was structurally altered by Judgment of this Court and due to the decision taken by the Board on November 14, 1986 doing away with the quota system and introducing the principle of seniority-cum-merit as the criteria to be considered for promotion of the candidates like the respondent. The direction given by the appellate Court and confirmed by the High Court, therefore, is not in conformity with the law laid down by this Court. We find that the construction put up by the Board does not appear to be correct. The appellate Court merely directed to follow the relevant principles and consider whether the respondent would be eligible or not as on the day when it was due to him. In the light of the law laid down by this Court, it is open to the petitioners to consider the case in accordance with the rules and to pass appropriate order. Therefore, we do not think it is a case warranting further expression of any opinion on the matter as law has already been laid down by this Court.

F The Special Leave Petition is accordingly dismissed.

G.N.

Petition dismissed.