



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

**LPA No. 456 of 2025(O&M)  
Date of Decision: 15.02.2025.**

**Harwinder Singh @ Harwinder Singh Taneja and another**

**.....Appellants**

Versus

**Punjab State Power Corporation Limited and others**

**..... Respondents**

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL  
HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. Rajesh K. Sharma, Advocate  
for appellants.

Mr. Nitesh Bansal, Advocate  
for respondents No.1 and 2.

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**LISA GILL, J.**

1. Prayer in this appeal is for setting aside order dated 12.12.2024 passed by learned Single Judge, whereby CWP No. 32320 of 2024, filed by appellants/writ-petitioners has been dismissed.

2. Appellant/writ-petitioners filed the abovesaid writ petition for setting aside seniority list dated 29.09.2023 as well as order dated 05.09.2024 whereby their claim of seniority over and above respondent no.3 has been rejected. They sought to be placed above respondent no.3 in the seniority list.

3. Appellant no.1 claimed that he was appointed as Lower Division Clerk (LDC) on 25.11.1997 and appellant no.2 as Steno-typist on 09.09.1997 with the erstwhile Punjab State Electricity Board (now PSPCL). They were then promoted to the post of Revenue Accountant on 20.12.2002 and 23.12.2002 respectively, after qualifying the SAS-1 Examination. Respondent No.3 was recruited as Apprentice Revenue Accountant on 27.01.2000 and promoted as Revenue Accountant on 10.02.2003. Tentative seniority list dated 10.03.2005 of Revenue Accountants was circulated with names of appellants figuring at Sr. No. 700 and 701 with respondent no. 3 being placed at Sr. No. 707.

4. Respondent no.3 passed SAS (Part-II) examination in October 2007 and was accordingly promoted as Accountant (now Assistant Accounts Officers/Accounts) on 14.09.2009, whereas appellant no.1 passed the SAS (Part-II) examination in August 2015 and appellant no.2 in February 2016. Thereafter, they were both promoted to the post of Assistant Accounts Officer/Accounts on 23.12.2015 and 20.05.2016 respectively.

5. Respondent no.3 was then promoted to the post of Accounts Officer on 29.09.2023 leading to appellants serving legal notice dated 26.07.2024, claiming seniority over and above respondent no.3. They claimed that as they were senior to respondent No.3 as Revenue Accountants, therefore they be assigned seniority over and above respondent No.3, for the reason that passing of SAS (Part-II) examination is irrelevant for the purpose of fixing seniority. In the reply dated 05.09.2024 to said legal notice, it was clarified that respondent no.3, although, junior to appellants as Revenue Accountant became eligible for the next promotion as AAO/Accounts much earlier to them after passing SAS (Part-II)

examination and he was promoted to the post of AAO/Accounts on 14.09.2009 against available vacancy. Appellants at that point of time were not qualified or eligible for promotion to the post of AAO/Accounts. As per the Punjab State Electricity Board, Accounts Services Class-III Regulations, 1991, seniority *inter se* members in a particular cadre is to be determined by the date of their continuous appointment on that post, therefore respondent no.3 who was promoted as AAO/Accounts prior to appellants was ranked senior as AAO/Accounts. Hence their claim was rejected, leading to filing of CWP No. 32320 of 2024.

6. Learned Single Bench on considering the facts and circumstances found no merit in the writ petition filed by present appellants. It is noted by learned Single Bench that there is considerable delay in filing the writ petition, inasmuch as respondent no.3 was promoted to the post of AAO/Accounts from that of Revenue Accountant way back on 14.09.2009. Said promotion was never challenged by the appellants, who were promoted to the post of AAO/Accounts on 23.12.2015 and 20.05.2016. Therefore, respondent no.3 who was concededly senior to appellants as AAO/Accounts, was rightly promoted as Accounts Officer on 29.09.2023. Cause of action, if any, may have accrued to the appellants in the year 2009 when respondent no.3 was promoted as AAO/Accounts. Therefore, writ petition was dismissed.

7. Aggrieved therefrom, present appeal has been filed.

8. Learned counsel for appellants vehemently argues that learned Single Bench has erred in law and on facts in dismissing the writ petition filed by present appellants. It is vehemently argued that there is no question of any delay in filing the writ petition. At the time of promotion of

respondent no.3 to the post of AAO/Accounts on 14.09.2009, there was no cause of action available with the appellants inasmuch as at that time they were not qualified for promotion to the said post. However, the foundational seniority of appellants and respondent no.3 as Revenue Accountants cannot be disturbed and ignored by way of a qualifying examination. At the point when the appellants had cleared their SAS (Part-II) examination, they would be claiming the seniority as available earlier for the purpose of promotion to the post of Accounts Officer. It is thus prayed that present appeal be allowed and writ petition filed by appellants/writ-petitioners be allowed as prayed for.

9. Learned counsel for respondents has refuted the arguments as raised while submitting that impugned order has been correctly passed after considering the entire facts and circumstances of the case. It is thus prayed that present appeal be dismissed.

10. We have heard learned counsel for the parties and have carefully scrutinized the file.

11. There is no dispute regarding the factual aspect of appointment of appellant no.1 as LDC on 25.09.1997 and of appellant no.2 as Steno-Typist on 09.09.1997 and their subsequent promotion to the post of Revenue Accountant on 20.12.2002 and 23.12.2002 respectively after qualifying SAS-I examination. There is further no dispute that respondent no.3 was recruited as Apprentice Revenue Accountant on 27.01.2000 and promoted to Revenue Accountant on 10.02.2003. Admittedly, respondent no.3 cleared SAS (Part-II) examination in October 2007 and was promoted as AAO/Accounts on 14.09.2009 itself. Years later, appellants passed the SAS(Part-II) examination, as is mentioned in the foregoing paras and they

were promoted to the post of AAO/Accounts on 23.12.2015 and 20.05.2016 respectively. As per the Punjab State Electricity Board Accounts and General Services (Class I and II Officers) Regulations, 1972, 70% of the total cadre posts of Account Officers are to be filled by promotion from qualified SAS Accountants who have actually cleared SAS (Part-I) and SAS (Part-II) examination having rendered minimum service of five years as such.

12. As per Circular dated 17.02.1972, on occurrence of vacancy in a cadre, senior most eligible person on that date should be considered for promotion on the basis of seniority-cum-merit and the appointing authority should not wait for senior persons to acquire eligibility. If on the date of occurrence of vacancy, no one attains eligibility, the employee becoming eligible earliest thereafter in order of seniority should be considered for promotion. Evidently eligibility on the date of occurrence of vacancy or earliest thereafter is the determining factor for ordering promotion against an existing vacancy in departmental promotions.

13. It is a matter of record that respondent no.3, though, junior to appellants as Revenue Account became eligible much earlier for promotion to the post of AAO/Accounts after passing SAS (Part-II) examination and he was promoted as such on 14.09.2009 against available vacancy. They were afforded promotion to the post of AAO/Accounts on 23.12.2015 and 20.05.2016. Even at that point of time, appellants had not raised any objection or claimed deemed date of promotion from an earlier point of time. Objection was raised by appellants only on the promotion of respondent no.3 on 29.09.2023 to the post of Accounts Officer. Claim of seniority as raised by appellants is clearly devoid of merit in the given factual matrix. In the

given facts and circumstances of the case, we do not find any merit in the arguments as raised by learned counsel for appellants. Impugned order dated 12.12.2024 has been correctly passed by learned Single Bench and calls for no interference whatsoever.

14. No other argument has been addressed.

15. Keeping in view the facts and circumstances as above, this appeal is dismissed being devoid of any merit. Pending application(s), if any, stand(s) disposed of accordingly.

**(LISA GILL )  
JUDGE**

**(ALOK JAIN)  
JUDGE**

**February 15, 2025.**

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No