

A. P. State Electricity Board and Others

Vs

R. Parthasarathi and Others

Civil Appeals Nos. 5559-60 of 1997

(G. N. Ray, G. B. Pattanaik JJ)

11.08.1997

ORDER

1. Leave granted.
2. Heard learned counsel for the parties. The short question that arises for consideration in this appeal is whether an employee to be eligible for promotion to the post of Assistant Executive Engineer under Regulation 14 of the Service Regulation Act, the experience rendered in the parent department in the State Government Service before becoming permanently absorbed in the Andhra Pradesh State Electricity Board can be taken into consideration or not. Under Regulation 14, the post of Assistant Executive Engineer has to be filled by way of promotion and the person to become eligible to get such promotion must possess either BE degree in Electrical, Civil, Mechanical or Telecommunication of a University in India or any similar qualification recognised as equivalent to such degree or such employee holding LEE, LCE or LME Diploma has ten years' experience as Additional Assistant Engineer.
3. It appears to us that it has not been indicated in the service regulation that such experience of ten years must be in the service of the State Electricity Board of Andhra Pradesh. In our view, if an employee of the Andhra Pradesh Electricity Board has obtained total experience of ten years by serving partly in the State Government and partly in the Andhra Pradesh State Electricity Board, such employee fulfils the criterion of eligibility for being considered for promotion to the said post of Assistant Executive Engineer. It may be indicated that there is no dispute to the fact that when an employee is permanently absorbed in the service of the A.P. State Electricity Board, his seniority will be fixed below junior Assistant Engineers already working in the Electricity Board. Such inter se seniority will be a relevant factor when a number of employees come in the zone of consideration on the basis of ten years' experience for being considered for promotion to the post of Assistant Executive Engineer. Mere seniority in the cadre will not enable an employee to be considered for such promotion if he lacks experience of ten years as indicated. The High Court, in our view, has misread the said Regulation 14 by taking into consideration clause (h) of the conditions of absorption in the service of the State Electricity Board. Such clause (h) has nothing to do with the question of promotion under Regulation 14 of the Service Regulation Act. In the aforesaid circumstances, the impugned order of the Division Bench of the High Court cannot be sustained and the same is set aside. The appeals are accordingly disposed of without any order as to cost.