

CWP-2832-2022 and others connected matters

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

Reserved on:-09.10.2025

Pronounced on: October 15, 2025

CWP-2832-2022

1. Raj Kumar and another

.....Petitioners

VERSUS

Haryana Vidyut Prasaran Nigam Limited and another

.....Respondents

CWP-31655-2024

2. Ajay

.....Petitioner

VERSUS

Haryana Vidyut Prasaran Nigam Limited and others

.....Respondents

CWP-4942-2023

3. Virender Kumar

.....Petitioners

VERSUS

Haryana Vidyut Prasaran Nigam Limited and others

.....Respondents

CWP-4154-2022

4. Daljeet Kumar

.....Petitioner

VERSUS

The State of Haryana and others

.....Respondents

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CWP-7253-2023

5. Sanjeev Kumar

.....Petitioner

VERSUS

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. R.K. Malik, Sr. Advocate with Mr. Varunveer Chauhan,
Advocate for the petitioner in CWP-2832-2022.

Mr. Sanjiv Gupta, Advocate for petitioner in CWP-7253-2023.

Mr. Sajjan Singh, Advocate for the petitioner(s) in CWP-4154-
2022.

Mr. Sardavinder Goyal with Mr. Nishant Sindhu, Advocate for
the petitioner in CWP-4942-2023.

Mr. Bhim Kumar Bagri, Advocate for petitioner in CWP-
31655-2024.

Mr. Prince Singh, Advocate for respondents No.1 and 2 in
CWP-31655-2024.

Mr. R.S. Longia, Advocate for the respondents No.2 and 3 in
CWP-4154-2022.

Mr. Gaurav Jindal, Advocate for respondent No.4 in CWP-
4154-2022.

Mr. Hitesh Pandit, Advocate for respondent-HVPNL in CWP-
2832-2022, CWP-4942-2023 and CWP-7253-2023.

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**HARPREET SINGH BRAR, J. (Oral)**

1. This common order shall dispose of the aforementioned civil writ petitions as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from **CWP-2832-2022**.

2. The present civil writ petition has been filed under Article 226 of the Constitution of India for the issuance of a writ in the nature of *Certiorari* to quash the Final Ranking List dated 14.01.2022 (Annexure P-11) of JE/Civil under the 18% Degree Holders Promotion Quota and to further restrain the Respondents from reverting the Petitioners from their present promoted posts.

FACTUAL BACKGROUND

3. Briefly stated, the Petitioners are employees of Haryana Vidyut Prasaran Nigam Limited (hereinafter, 'HVPNL'). Petitioner No. 1 joined as a Junior Engineer (Civil) on 25.07.2008, and Petitioner No. 2 joined on 23.07.2008. The Petitioners subsequently acquired their BE degrees in Civil Engineering on 20.03.2013 and 21.09.2015, respectively.

4. The genesis of the present dispute lies in the interpretation of Regulation 9 of the PSEB Service of Engineers (Civil) Recruitment Regulations, 1965 (as applicable to HVPNL) (hereinafter '1965 Regulations'). Vide a notification dated 14.11.2006 (Annexure P-1), the Respondent-Nigam amended Regulation 9. The relevant part of the regulation for promotion to the post of Assistant Engineer (Civil) under the 18% quota for degree-holders is reproduced as under:

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“(ii) From amongst Engineering Subordinates as defined in Regulation -2(g) possessing AMIE/BE qualification with 5 years service as JE/Civil.” (Emphasis supplied)

5. Relying on this notification, which required 5 years of service as a JE whether before or after acquiring the qualification of AMIE/BE, the Petitioner No. 1 was promoted as Assistant Engineer (Civil) on 05.12.2013 (Annexure P-2) and Petitioner No. 2 was promoted as Assistant Engineer (Civil) on 23.01.2017 (Annexure P-3). Thereafter, both Petitioners received further promotions based on their service in the cadre of Assistant Engineer. Petitioner No. 1 was promoted as Assistant Executive Engineer (Civil) on 11.05.2016 (Annexure P-4) and subsequently as Executive Engineer (Civil) on 10.07.2018 (Annexure P-6). Petitioner No. 2 was promoted as Assistant Executive Engineer (Civil) on 01.03.2019 (Annexure P-5).

6. In 2021, the Respondent-Nigam took a decision, vide office order dated 30.06.2021 (Annexure P-7), stating that the original 2006 notification (Annexure P-1) contained an “inadvertent mistake.” It was asserted that the intent of the rule-making authority was always to require “5 years service *as such*” (i.e., after acquiring the BE degree) and not “as JE/Civil.” Consequently, a “correction” was issued vide office order dated 13.05.2021, replacing the words “as JE/Civil” with “as such” and making this change effective retrospectively from 14.11.2006.

7. Based on this retrospectively applied “correction,” a Tentative Ranking List (Annexure P-8) was issued. The Petitioners filed detailed representations (Annexures P-9 & P-10) objecting to this list, contending

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that their accrued rights and past promotions could not be unsettled. However, the Respondents issued the impugned Final Ranking List on 14.01.2022 (Annexure P-11). This list effectively places the Petitioners at a junior position, making them liable for reversion from their current, long-held promotional posts. Aggrieved by this retrospective alteration of their seniority, the Petitioners have approached this Court.

CONTENTIONS

8. Learned counsel for the petitioner(s) *inter alia* contended that the Petitioners were promoted as Assistant Engineers strictly in accordance with the unambiguous language of the notification dated 14.11.2006 (Annexure P-1), which explicitly prescribed “5 years service as JE/Civil.” Their further promotions to the posts of Assistant Executive Engineer and Executive Engineer were based on this valid initial promotion and their subsequent service, and do not suffer from any infirmity.

9. It is argued that the decision dated 30.06.2021 (Annexure P-7) cannot be applied with retrospective effect from 14.11.2006. The Petitioners, having received multiple promotions over several years have acquired an accrued right to those posts. Such vested rights cannot be taken away by a subsequent amendment or “correction” applied retrospectively. At best, the new interpretation could only apply prospectively from the date of the decision. Furthermore, it is a settled principle of service jurisprudence, as upheld by the Hon’ble Supreme Court in numerous judgments, that accrued rights cannot be extinguished by a retrospective amendment. In this context,

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reliance was placed on the judgement of the Hon'ble Supreme Court in ***State of Madhya Pradesh v. Yogendra Shrivastava 2010(1) SCT 434.***

10. *Per contra*, learned counsel for the respondents *inter alia* submitted that the original office order dated 14.11.2006 (Annexure P-1) contained an “inadvertent mistake.” The proposal approved by the Board of Directors on 27.10.2006 intended to use the phrase “5 years service as such.” The use of “as JE/Civil” in the published notification was a clerical error. The office order dated 13.05.2021 was, therefore, a correction of this typographical mistake.

11. It is further argued that a clarification or correction in a rule always relates back to the date of its inception. Since the rule was originally intended to read “as such” in 2006, the 2021 correction rightly applies retrospectively from 14.11.2006. This is not a fresh amendment but a rectification of an error to reflect the true intent of the framers. Learned counsel placed reliance on the judgement of the Hon'ble Supreme Court in ***S.S. Garewal Vs. State of Punjab 1993 (3) SCT 503.***

OBSERVATION & ANALYSIS

12. I have heard the learned counsel for the parties and have perused the record with their able assistance. This Court is of the opinion that the issue involved in the present is no longer *Res integra* and stands settled by the judgements of the Hon'ble Apex Court. A Two-Judge Bench of the Hon'ble Supreme Court in ***M.B. Joshi v. Satish Kumar Pandey (1993) Supp. (2) SCC 419*** has held that where the rules provide that the

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diploma-holders having obtained a degree of engineering working as Sub-Engineers shall be eligible for promotion as Assistant Engineers after 8 years experience and 10% posts are reserved for that category, then once the person while working as sub-engineer acquires the degree, he becomes entitled for the incentive of acceleration in promotion. If these 8 years counted from the date of acquiring qualifications the whole purpose of prescribing incentive is defeated. Further, as per the well settled principle of service jurisprudence, in the absence of specific rule the seniority amongst persons holding similar posts in the same cadre has to be determined on the basis of length of service not from the date of acquiring degree or from any other fortuitous circumstance. The Hon'ble Court speaking through Justice N.M. Kasliwal observed as follows:

“13. If we accept the contention of Mr. Ashok Sen, it would defeat the very scheme and the purpose of giving incentive of adding educational qualification by diploma-holders while continuing in service in case the period of 8 years is counted from the date of obtaining graduate degree in engineering. It may be noted that no such argument was raised even from the side of the respondents before the Tribunal. If such interpretation as now sought to be advanced by Mr. Ashok Sen, learned senior counsel is accepted, no relief could have been granted to the respondent Satish Kumar Pandey. We would illustrate the above position on admitted facts that Shri Satish Kumar Pandey had joined as Sub- Engineer on 23.8.1980, but had acquired the degree of engineering in May, 1987. In that situation, Mr Satish Kumar becomes eligible only in May, 1995 and he could not be considered as eligible in December 1989 when these Sub-Engineers were considered for promotion as Assistant Engineers. Even otherwise, if this period of 8 years is counted from the date of acquiring degree then this incentive of adding the qualification during the continuation of service and



getting the advantage of acceleration in promotion in 8 years would for all practical purposes become nugatory and of no benefit.

14. It is further important to note that in the cases before us, the Government itself has been adopting the practice and making promotion as contended by the appellants and we are upholding such practice. In N. Suresh Nathan's case also this Court had upheld the practice followed by the Government. It is also well settled principle of service jurisprudence that in the absence of any specific rule, the seniority amongst persons holding similar posts in the same cadre has to be determined on the basis of the length of service and not on any other fortuitous circumstance.

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16. In these circumstances mentioned above, we are clearly of the view that the Tribunal was wrong in determining the seniority from the date of acquiring degree of engineering and it ought to have been determined on the basis of length of service on the post of Sub-Engineer and the State Government was right in doing so and there was no infirmity in the orders passed by the Government....”
(Emphasis supplied)

13. The judgement in *M.B. Joshi (supra)* was followed by the Two-Judges Bench of the Hon’ble Supreme Court in *D. Stephen Joseph v. Union of India & Ors. (1997) 4 SCC 753* and the Three-Judges Benches of the Hon’ble Court in *Anil Kumar Gupta v. Municipal Corporation of Delhi (2000) 1 SCC 128* and *Chandravathi P.K. & Ors. v. C.K. Saji & Ors. (2004) 3 SCC 734*.

14. The issue was examined again by a Three-Judge Bench of the Hon’ble Apex Court in *T. Valsan v. K. Kanagaraj 2023 (7) SCC 614*, wherein the Rules initially provided that 80% of the vacancies for Assistant Engineer were to be filled by promotion and 20% by direct recruitment.

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Promotion was open to Junior Engineers with three years' service if holding a Degree in Electrical Engineering, and seven years' service if holding only a Diploma. A subsequent amendment earmarked 50% of promotional posts for Degree-holder Junior Engineers with three years' service, and the remaining 50% for Diploma-holders with seven years' service. The significance of this scheme was that Degree holders required fewer years of service for promotion, whereas Diploma holders required more. The issue before the Court was whether a Diploma-holder, who acquired a Degree during service, could count his pre-degree service towards the qualifying period for promotion to Assistant Engineer. After examining the aforesaid judgments, the Hon'ble Court held that no distinction can be drawn between the period of service rendered before or after the acquisition of the degree, so long as the degree is acquired and is the basis for consideration of the promotion. Accordingly, for the Department concerned, the view taken in *D. Stephen Joseph (supra)* was declared to be the applicable law. The Hon'ble Apex Court speaking through Justice S.K. Kaul has held as follows:

"19. On examining the controversy in the context of the arguments urged and the judicial precedents, we can say that actually, the issue is no more res integra in view of the judgment of this Court in C. Chakkaravarthy & Ors. v. M. Satyavathy, IAS & Ors. (2015) 16 SCC 652. Though it is a two-Judges Bench view, the very issue has been examined, which is really sought to be debated before us. It was observed in para 10 as under:

"There is, in our opinion, considerable merit in that submission of the petitioners. There is no gainsaying that this Court has unequivocally declared that promotion to the post of Assistant

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Engineers in the service shall be on the basis of merit and merit alone and that seniority of the candidates cannot be taken as an input for determining such merit. This Court has also very clearly rejected the procedure followed by the Government whereby the date on which the candidate had acquired his degree qualification was taken as a determining factor. That being so, and given the large number of candidates eligible for consideration the Government was entitled to adopt the method of restricting the zone of consideration based on the number of vacancies. Inasmuch as the Government relied upon the DoPT guidelines for achieving that objective it committed no fault. The question, however, is whether the Government could draw-up a list of eligible candidates not by reference to the length of service in the cadre but by reference to the date on which the candidates acquired the eligibility which, as noticed earlier, was itself dependent upon the date on which the candidate acquired the degree qualification. Since, however, the acquisition of a degree qualification itself was not based on any consistently uniform criterion, test or procedure, the date on which such a qualification was acquired and resultantly the date on which the candidate attained their eligibility was also bound to be anything but uniform and nondiscriminatory. As between the date of acquiring eligibility and the date of entering service as a Section Officer/Junior Engineer the latter was, in our opinion, a more intelligible, fair and reasonable yardstick to be applied for drawing-up the list of eligible candidates by the review DPC. Inasmuch as the review DPC relied upon the date of acquiring eligibility as the basis for preparation of the list of eligible candidates, it committed a mistake which needs to be corrected."

20. A reading of the aforesaid paragraph shows that the promotion to the post of Assistant Engineer was to be based on merit and merit alone. The seniority of candidates could not be taken into account for determining such merit. In this merit-based selection, there was a qualifying prescription to be so considered on merits. The time period spent in the service as Junior Engineer was at variance dependent on whether the person had a qualifying Degree or a qualifying Diploma. There was no necessity for a Degree to perform



the job of a Junior Engineer, and all persons were alike. The distinction only came into play when the merit-based promotion had to take effect. Thus, as to when the person obtained the degree as a method of advancement of his knowledge and entitling him to an earlier consideration in the time period would not be relevant.

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22. A three Judges Bench of this Court in Chandravathi P.K. & Ors. (supra) referred to a number of earlier judgments on the issue, including D. Stephen Joseph (supra), Satpal Antil v. Union of India (1995) 4 SCC 419, Anil Kumar Gupta (supra), A.K. Raghmani Singh v. Gopal Chandra Nath (2000) 4 SCC 30 and Pramod K. Pankaj v. State of Bihar (2004) 3 SCC 723 and quoted with approval of the last of these judgments. **The principle laid down is that in the absence of any statutory provision or rule made thereunder or under the proviso appended to Article 309 of the Constitution of India, once an incumbent is appointed to the post according to rules, their seniority has to be counted from the date of appointment.**

23. **In Shailendra Dania & Ors. (supra) case, it was noticed in para 36 that the past practice would be a relevant aspect while construing the service rule. The aforementioned judgment distinguished itself from D. Stephen Joseph (supra) case on the ground that the interpretation of the rules would be determined on a case-to-case basis, and the wordings of the rules as well as past practices are important criteria. Similarly, in the present case, the Electricity Department has a past practice of considering the years of service prior to the acquisition of the degree.**

24. **The principle of past practice being of significance has also been noticed in M.B. Joshi (supra) case. This judgment also discusses the aspect where there are two channels for promotion (as in the present case) and illustrates that if the total time period of service was not to be counted, then there could not be said to be any incentive to acquire the higher degree except as an academic pursuit. The incentive is that if you acquire a higher degree as compared to a diploma, you come into a channel which entitles consideration, albeit on merit, in a fast lane with less number of years of service required in the cadre.**

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25. In our view, one of the important aspects is the wording of the Rule itself. According to the Rules, 50 percent of the promotion quota is from Junior Engineers with three years of regular service in the grade "and" possessing a degree in Electrical Engineering. The Rule does not say from which date the time period of regular service has to be counted, but there is a twin requirement of three years of regular service as also a degree. As against this, the second scheme of 50 percent promotion from Junior Engineers uses the word "with" seven years of regular service in the grade and possessing a diploma in Electrical Engineering. Thus, the distinction is between the diploma holder and the degree holder and the period of service rendered as a Junior Engineer without any distinction between the years served prior to or after having obtained the degree. Accepting the plea of the Appellant would amount to insertion into the requirement of the Rules, which is not stipulated. Further, this is how the Rule has been understood by the Department, the framers of the Rules, and accordingly, the Rules have been uniformly implemented in the Electricity Department over a period of time. In view of the above, due weightage must be given to the view of the framers of the Rules. (Emphasis supplied)

15. Further, a Division Bench of this Court in CWP No. 2784 of 2015, titled as '**Jai Prakash Sharma and Ors. v. Chief Commissioner of Income Tax, Haryana and Ors.**' (decided on 01.10.2015), ruled in favour of the petitioners in that case, holding that it is not necessary to acquire the prescribed experience only after obtaining the educational qualification. The Bench placed reliance on the judgments of the Hon'ble Supreme Court in **D. Stephen Joseph (supra)**, **M.B. Joshi (supra)**, **Anil Kumar Gupta (supra)**, and **A.K. Raghmani Singh & Ors. v. Gopal Chandra Nath & Ors., (2000) 4 SCC 30**. Importantly, the Court distinguished the facts of that case from those in **K.K. Dixit Vs. Rajasthan Housing Board (2015) 1 SCC 474**,

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observing that the issue before it did not concern any dispute *inter se* the Diploma holders and Degree holders. Relevant paragraphs of the judgement of the Division Bench are reproduced as under:

“Very recently, the same issue again came up before the Apex Court in K.K.Dixit Vs. Rajasthan Housing Board & others 2014 (4) SCT 219 wherein the promotions were to the posts of Project Engineer (Senior) from amongst the Project Engineer (Juniors) who were Diploma holders with 7 years total experience of service. The dispute was again between Diploma holders and the Degree holders. Accordingly, it was held that the qualifications of AIME and the experience of service had to be post the acquisition of the degree. In the present case, as noticed, the issue is not of any dispute inter se the Diploma holders and Degree holders. The Rules provide that a person has to be a graduate in Civil Engineering and he must have the experience of working either under Government, private employment or on the academic side. In the alternative, the experience as a Consulting Engineer, Valuer of not less than 10 years, has been made mandatory, subject to certain conditions.

The observations made by the Apex Court in the case of A.K.Raghumani Singh (supra) and Anil Kumar Gupta (supra) would squarely apply and the respondents were not justified in reading the qualification into the conjunctive word and implying that experience had to be subsequent to the acquisition of the degree.

In such circumstances, the question of law is answered in favour of the writ petitioners that it is not necessary to gain the experience under the Rules, after the acquisition of the educational qualifications and accordingly, the order dated 31.12.2014 (Annexure P11), is quashed and the writ petition is allowed...”

(Emphasis supplied)

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16. This Court is of the considered opinion that the present case is squarely covered by the judgments of the Hon'ble Supreme Court in *D. Stephen Joseph (supra)*, *M.B. Joshi (supra)*, and *Anil Kumar Gupta (supra)*. As emphasized by the Hon'ble Apex Court, the principle of past practice assumes significance in construing service rules. Regulation 9 of the 1965 Regulations provided that 18% of the posts of Assistant Engineer are reserved for Engineering Subordinates possessing AMIE/BE qualification with 5 years of service '*as JE/Civil*'. Prior to the correction/clarification, the consistent practice of the respondent-Nigam since 2006 was to draw no distinction between service rendered before or after acquisition of the AMIE/Degree. It was in this manner that the regulation was understood and applied, and on that basis, the petitioners were promoted. Thus, even if the use of the words '*as JE/Civil*' instead of '*as such*' was the result of an 'inadvertent error', it is not disputed that the respondent-Nigam has considered service rendered before the acquisition of AMIE/degree as qualifying service for promotion under the 18% quota.

17. As noted earlier, the Hon'ble Apex Court in *M.B. Joshi (supra)* emphasized that it is a well-settled principle of service jurisprudence that, in the absence of any specific rule, seniority among persons holding similar posts in the same cadre must be determined on the basis of length of service and not on any other fortuitous circumstance. Therefore, this Court is of the considered view that the principles laid down in *D. Stephen Joseph (supra)*,

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M.B. Joshi (supra), and *Anil Kumar Gupta (supra)* squarely govern the issue at hand.

18. Furthermore, with regards to the retrospective applicability of the correction/clarification, a Two-Judge Bench of the Hon'ble Supreme Court, in *Sree Sankaracharya University of Sanskrit and Others v. Dr. Manu and Another*, 2023 SCC OnLine SC 640, speaking through Justice B.V. Nagarathna, has held as follows:

“38. From the aforesaid authorities, the following principles could be culled out:

i) If a statute is curative or merely clarificatory of the previous law, retrospective operation thereof may be permitted.

ii) In order for a subsequent order/provision/amendment to be considered as clarificatory of the previous law, the pre-amended law ought to have been vague or ambiguous. It is only when it would be impossible to reasonably interpret a provision unless an amendment is read into it, that the amendment is considered to be a clarification or a declaration of the previous law and therefore applied retrospectively.

iii) An explanation/clarification may not expand or alter the scope of the original provision.

iv) Merely because a provision is described as a clarification/explanation, the Court is not bound by the said statement in the statute itself, but must proceed to analyse the nature of the amendment and then conclude whether it is in reality a clarificatory or declaratory provision or whether it is a substantive amendment which is intended to change the law and which would apply prospectively.

39. Applying the law as discussed hereinabove to the facts of the present case, we are of the view that the subsequent Government

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Order dated 29-3-2001 cannot be declared as a clarification and therefore be made applicable retrospectively. The said order has substantively modified the Government Order dated 21-12-1999 to the extent of stating that teachers who had already got the benefit of advance increments for having a PhD degree, would not be eligible for advance increments at the time of their placement in the selection grade. As noted above, the law provides that a clarification must not have the effect of saddling any party with an unanticipated burden or withdrawing from any party an anticipated benefit. However, the Government Order dated 29-3-2001 has restricted the eligibility of Lecturers for advance increments at the time of placement in the selection grade, only to those who do not have a PhD degree at the time of recruitment and subsequently acquire the same.

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42. Further, merely because the subsequent Government Order has been described as a clarification/explanation or is said to have been issued following a clarification that was sought in that regard, the Court is not bound to accept that the said order is only clarificatory in nature. On an analysis of the true nature and purport of the subsequent Government Order dated 29-3-2001, we are of the view that it is not merely clarificatory, but is a substantial amendment which seeks to withdraw the benefit of two advance increments in favour of a certain category of Lecturers. The benefit withdrawn was not anticipated under the previously existing scheme. Therefore, such an amendment cannot be given retrospective effect.” (Emphasis supplied)

19. The aforementioned observations were recently upheld by a Two-Judge Bench of the Hon’ble Supreme Court in *V. Vincent Velankanni v. Union of India 2024 SCC Online SC 2642* wherein the Court speaking through Justice Sandeep Mehta has held as follows:

“43. If a Government Order is treated to be in the nature of a clarification of an earlier Government Order, it may be made

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applicable retrospectively. Conversely, if a subsequent Government Order is held to be a modification/amendment of the earlier Government Order, its application would be prospective as retrospective application thereof would result in withdrawal of vested rights which is impermissible in law and the same may also entail recoveries to be made. The principles in this regard were culled out by this Court in a recent judgment of *Sree Sankaracharya University of Sanskrit v. Dr. Manu* in the following terms...

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44. Applying these principles to the case at hand, we are of the view that the subsequent GO dated 4th August, 2015 cannot be read simply as a clarification and therefore cannot be made applicable retrospectively. The said GO has substantively modified the position governing seniority in the Industrial Establishments by reviving the earlier OM dated 4th November, 1992, and supersedes the orders/circulars dated 24th December, 2002 and 13th January, 2003, which were holding the field over more than a decade. Therefore, giving retrospective effect to the GO dated 4th August, 2015 would have catastrophic effect on the seniority of the entire cadre.”

(Emphasis supplied)

20. In the present case, there was *neither ambiguity nor vagueness* in the pre-amended Regulation 9, and it cannot be contended that the provision was incapable of reasonable interpretation without the subsequent correction/clarification. As noted earlier, prior to its insertion, the respondent-corporation made no distinction between service rendered before or after acquisition of the AMIE/Degree. The regulation was consistently understood and applied in this manner, and on that basis, the petitioners were promoted to the post of Assistant Engineer. The so-called correction has, in effect, *substantively altered* the scope of the original Regulation by

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mandating that the requisite five years of service for promotion be reckoned only from the date of acquisition of the AMIE/degree, rather than from the date of initial appointment. The Hon'ble Supreme Court has categorically held that a clarification cannot impose an unanticipated burden or deprive any party of an anticipated benefit.

21. Furthermore, the insertion of the 'correction' has effectively resulted in withdrawal of the vested rights of the petitioners. The mere description of a provision as a 'correction' or 'clarification' does not bind the Court. It is incumbent upon the Court to examine the true nature of the amendment and determine whether it is genuinely clarificatory or declaratory, or whether it is in fact a substantive amendment altering the law, which can only operate prospectively. Accordingly, in view of the above, this Court holds that the so-called correction in Regulation 9 is, in substance, a substantive amendment and cannot be applied retrospectively to recast the seniority of the petitioners.

CONCLUSION

22. In view of the foregoing discussions, the present writ petition(s) are allowed. The Final Ranking List dated 14.01.2022 (Annexure P-11) of JE/Civil under the 18% Degree Holders Promotion Quota hereby stands quashed insofar as it retrospectively recasts the seniority of the petitioners. While the Respondent-Nigam has the competence to amend its service regulations, the amendment to Regulation 9 vide office order dated

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30.06.2021 (Annexure P-7) shall operate only prospectively. The Respondents are directed to determine the seniority of the petitioner(s) accordingly and are further restrained from reverting them from their existing promoted posts.

23. All the pending miscellaneous application(s), if any, shall stand disposed of.

24. Photocopy of this order be placed on the files of the connected cases.

(HARPREET SINGH BRAR)
JUDGE

October 15, 2025

P.C

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No