

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

RSA No. 1581 of 2015 (O&M)
Dated: 27.4.2015

Punjab State Electricity Board and another **.....Appellants**

Vs

Jaspal Singh **....Respondent**

CORAM: - HON'BLE MS. JUSTICE RITU BAHRI

Present: - Mr. Surinder Singh Siao, Advocate for the appellant.

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RITU BAHRI, J (Oral)

The present regular second appeal is filed by appellants-defendants aggrieved against the orders passed by both the Courts below.

The brief facts of the case are that the plaintiff-respondent retired on 30.11.2003 after completion of 55 years of age and during his service he was given revised promotional scales of 8/9/16 years. He was not given promotional scale after completion of 23 years of service which was due to him in January 2000 as he did not pass the Department A/c examination for Subordinate Engineers, prescribed for promotion as per Regulation 9(1) of Technical Services Regulation-III 1996.

Upon notice, defendants have taken a stand that the plaintiff has misled the Court and it is submitted that the plaintiff has joined on 2.11.1965 as lineman and completed his 23 years of service on 2.11.1998.

As per the statement of DW-1, the plaintiff was promoted on 7.4.1977. As per the circular dated 1.1.1990 (Ex. D-3) the Punjab State Electricity Board

(PSEB) has waived the condition of passing departmental examination for promotion on the stipulation that incumbent should have completed 50 years of age. As per the circular, six attempts can be availed of by an employee to clear the departmental account examination but if the employee had completed 50 years of age, he was entitled for the relaxation of passing the said departmental examination.

It was not disputed before the Courts below that the plaintiff could not clear the examination before completion of 50 years of age. As per the date of birth of the plaintiff i.e. 30.11.1945, he completed 50 years of age in the year 1995. Hence, he did not clear the departmental examination. He was denied the benefits of promotional advance increments after completion of 23 years of service.

Both the Courts have decreed the suit of the plaintiff on the ground that even though the plaintiff has crossed the age of 50 years but he had not cleared the departmental account examination. As per the circular Ex. D-3 dated 1.1.1990, it is mentioned that the PSEB has waived the condition of passing of departmental account examination for promotion on the stipulation that incumbent should have completed 50 years of age. It was irrelevant whether he has availed six attempts to clear the departmental account examination. As per the circular dated 1.1.1990 Ex. D-3, the plaintiff has completed 50 years of age on 13.11.1995 and became entitled for the said benefit. He retired on 30.11.2003 and the suit was filed on 11.6.2007. The necessary condition was that he should have completed 50 years without clearing the departmental account examination. The suit was

rightly decreed and consequential relief of pay and gratuity, leave encashment for 38 months was paid prior to filing of the suit. The plaintiff has completed 23 years of service on 22.11.1998.

In view of the said fact, I find that no substantial question of law arises for adjudication by this Court.

Accordingly, regular second appeal is dismissed.

(RITU BAHRI)
JUDGE

27.4.2015
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