

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

R.S.A.No.4338 of 2015 (O&M)

Date of Decision: December 10, 2015

Punjab State Power Corporation Ltd., Patiala

...Appellant

Versus

Chajju Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**Present: Mrs.Promila Nain, Advocate,
for the appellant.**

AMIT RAWAL, J. (Oral)

The Punjab State Power Corporation Ltd. Patiala is aggrieved of the judgments and decrees of both the Courts below, whereby the trial Court decreed the suit and held that the respondent-plaintiff had regularly worked with the defendant board for more than 30 years, thus, is entitled to be considered for pension period, therefore, held entitled to 23 years service benefit from 1.1.1996. However, the Lower Appellate Court has restricted the claim to a period of three years while upholding the rest of the findings.

Mrs.Promila Nain, learned counsel appearing on behalf of the appellant-Corporation submits that the respondent-plaintiff was not entitled to claim arrears as he was appointed as work charge T-Mate in the year 1965 and joined on 1.1.1965 and was promoted to the post of Assistant Lineman and joined on 5.2.1970. He retired from the service of the Board on 30.6.2002 after being promoted to the post of Lineman, so he worked

with the Board as a work charge w.e.f. 1.1.1965 to 4.2.1970, but his services were not counted for the purpose of pension. It is in these circumstances, he should not be granted benefit for that period, thus, there is illegality and perversity in the impugned judgments and decrees.

I have heard the learned counsel for the appellant and appraised the paper book.

Both the Courts below have concurrently held that the department failed to grant the benefit on the ground that there has been break in the service record of the plaintiff, but no such evidence has been placed on record to prove any break. Moreover, the plaintiff was given promotion on completion of mandatory job period, which was substantiated by going through the contents of the service book. The board failed to produce any record qua non-working of the plaintiff with them.

I do not intend to differ with the findings rendered by the Lower Appellate Court confining the relief to the period of three years before filing of the suit. No ground is made out, much less no substantial question of law arises for determination by this Court.

The appeal is accordingly dismissed.

December 10, 2015
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(AMIT RAWAL)
JUDGE