

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

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Regular Second Appeal No.4222 of 2014 (O&M)

Date of Decision: October 29, 2015

S.R. Raturi (Shobha Ram Raturi)

...Appellant

Versus

The Uttari Haryana Bijali Vitran Nigam Ltd. (UHBVNL) and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Vishva Nath Sharma, Advocate  
for the applicant-appellant.

**AUGUSTINE GEORGE MASIH, J. (ORAL)**

**CM No.9779-C of 2014**

Prayer in this application is for condonation of delay of 15 days  
in re-filing the appeal.

For the reasons mentioned in the application, which is duly  
supported by the affidavit of the Clerk of the counsel, the same is allowed.

Delay of 15 days in re-filing the appeal stands condoned.

**CM No.9780-C of 2014**

Prayer in this application is for making good the deficiency in  
the Court fee.

For the reasons mentioned in the application which is duly  
supported by the affidavit of the Clerk of the counsel, the same is allowed.

The deficient Court fee is permitted to be made good and the  
same is taken on record.

**CM Nos.6124-C and 9268-C of 2015**

Prayer in these applications under order 6 Rule 17 read with

Section 151 C.P.C. is for amendment of grounds of appeal.

For the reasons mentioned in the applications, which are duly supported by the affidavit of the applicant-appellant, the same are allowed.

**CM No.9267-C of 2015**

Prayer in this application is for placing on record amended grounds of appeal and Annexures A-1 to A-6.

Application is allowed.

Amended grounds of appeal and Annexures A-1 to A-6 are taken on record.

**RSA No.4222 of 2014**

Challenge in this appeal is to the judgment and decree passed by the Civil Judge (Junior Division), Kurukshetra, dated 17.02.2014, whereby the suit preferred by the appellant-plaintiff for declaration to the effect that the appellant-plaintiff is legally and rightfully entitled and eligible for promotion to the posts of Circle Assistant, Head Clerk, Superintendent and Administrative Officer/Under Secretary and consequentially deemed date of promotion on these posts may be granted along with other financial benefit attached with the said posts including the retiral benefits, stands dismissed, appeal against which was preferred by the appellant-plaintiff, which has been decided by the Additional District Judge, Kurukshetra on 01.04.2014 dismissing the same.

2. It is the contention of learned counsel for the appellant-plaintiff that the appellant-plaintiff has been denied promotion because of he having been convicted in a criminal case, where order of conviction, although, was upheld by the High Court in Criminal Revision No.81 of 1992, but he was released on probation of good conduct under the Probation of Offenders Act, 1958, by judgment dated 20.04.2007. He was compulsorily retired from

service on 31.12.2002 on attaining the age of 55 years, which order was challenged by him by filing Civil Writ Petition No.751 of 2003, which was decided in his favour by order dated 14.09.2010 allowing his writ petition quashing the order dated 31.12.2002 (Annexure P-4) considering him to be in continuous service except for the pay and allowances for the said purpose on the principle of 'no work no pay'. However, the said period was to be counted for the purpose of determination of the retiral benefits. In the light of the said judgment, the appellant-plaintiff has been granted the retiral benefits but has not been granted the benefit of promotion, which he is claiming through the present suit, which has been filed by him. Counsel contends that the appellant-plaintiff is entitled for the said benefit, which has wrongly been denied to him on the ground that his service record is not good. He, thus, contends that the judgments and decree passed by the Courts below cannot sustain and deserve to be set aside.

3. I have considered the submissions made by learned counsel for the appellant-plaintiff but cannot concur with the same in the light of the fact that he had earlier also filed a civil suit claiming promotion as Circle Assistant and Head Clerk but by judgment and decree dated 14.06.1997 Civil Judge (Senior Division), Kurukshetra, observed that the appellant-plaintiff is not entitled to promotion as he has been held guilty under immoral turpitude. The appeal preferred by him was dismissed on 13.02.1998 (Annexure P-3). Regular Second Appeal No.1751 of 1998 was only preferred by the respondent-department and it is admitted by the counsel that the appellant-plaintiff did not file any appeal and qua him the said judgment has attained finality. The Regular Second Appeal was decided by the High Court on 05.10.2012 in Daily Lok Adalat. In the light

of the final decision with regard to his claim for promotion and the adjudication of the said matter, the claim as made by the appellant-plaintiff in the present appeal, has rightly been rejected by the Courts below.

4. Both the Courts below have returned concurrent findings in detail after properly appreciating the evidence and the same cannot be interfered with as there is no perversity or illegality in the same.

5. No substantial question of law is involved in the present appeal. Therefore, finding no merit in the present appeal, the same stands dismissed.

**October 29, 2015**  
*Puneet*

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**