

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 978 of 2014(O&M)
Date of decision : November 20, 2015

Sukhbir Singh

..... Appellant

Versus

Uttar Haryana Bijli Vitran Nigam Ltd.and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

**Present:- Mr. Vikram Punia, Advocate
for the appellant.**

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?

Amit Rawal, J (oral).

The appellant-plaintiff is in Regular Second Appeal against the concurrent finding of fact whereby the suit for declaration, permanent injunction and mandatory injunction for declaring the circular No. U-21/2005 dated 27.6.2005 clause 3 (i) on the subject of settlement of pending electricity bills of rural, domestic and agricultural categories of consumers in rural areas that the scheme would not be applicable to the Nigam employees as null and void has been dismissed.

Learned counsel for the appellant-plaintiff submits that he had obtained electricity prior to the promulgation of the circular rather before joining the service of Nigam. Since he was

defaulter the circular has been promulgated to give some benefit to the consumers in a deferred mode with regard to the settlement of pending electricity bills pertaining to the rural domestic and agricultural category in rural area. Since the appellant-plaintiff was in arrears and therefore he wanted to avail the aforementioned scheme but clause 3 (i) has specifically de-barrs the employees of the Nigam and therefore it is discriminatory.

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

In my view, the appellant is claiming a preferential treatment by seeking indulgence of the court for declaring the aforementioned circular as null and void for the reason that once the appellant-plaintiff had been defaulter in making the payment he cannot take the benefit of policy/scheme promulgated by the Nigam for settlement of pending bills with regard to the aforementioned connection. The Nigam had come out with the scheme for the general consumers and not for the employees of the Nigam. In case the employees are given such benefits it would amount to sending a wrong signal to the general public, rightly so the employees of the Nigam have been excluded from the benefit.

I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and documentary evidence. I do not find any illegality or perversity in the aforementioned judgment and decree of the appellate court.

No substantial question of law arise for determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

November 20 , 2015
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