

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

RA-RS-86-C of 2015 in  
RSA No.2256 of 1990  
Date of decision : 18.05.2016

Punjab State Electricity Board through its Secretary, Patiala

...Appellant

Versus

Gurdev Singh Mundra and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.**

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

Present: Mr. S.S. Brar, Advocate for the appellant.

Mr. B.S. Sehgal, Advocate for the respondents/applicant.

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**AMIT RAWAL, J. (Oral)**

**RA-RS-86-C of 2015**

For the reasons stated in the application, the fact remains that only mandatory injunction has been sought and consequential relief has not been sought. This Court was made to believe that no such plea was sought for setting aside the judgment and decree, whereby suit seeking declaration for setting aside of the order dated 27.09.1986 relating to the promotion of the defendant No.2 to the post of Assistant Engineer from Junior Engineer was challenged.

There is error apparent in the order.

Accordingly, order dated 16.09.2015 is hereby recalled.

Appeal is ordered to be taken on Board.

Appeal is restored to its original Number.

**Main Case**

The appellant-defendant No.1 is aggrieved of the concurrent findings of fact, whereby suit seeking declaration of the order dated 27.09.1986 passed by the Erstwhile Punjab Electricity Board relating to the promotion of defendant No.2 Vikram Singh to the post of Assistant Engineer from Junior Engineer was null and void having not passed departmental examination and consequential relief of mandatory injunction for promotion to Assistant Engineer, has been sought.

Mr. Brar, learned counsel appearing on behalf of appellant submits that Rules Ex.P5 relates to the promotion within the cadre from J.E.-II to J.E-I and Assistant Engineer-I to Assistant Engineer but not outside the cadre whereas respondent-plaintiff sought promotion from the Junior Engineer to Assistant Engineer. This aspect has not been noticed by both the Courts below thus there is gross mis-reading of the document and urges this Court for formulation of the substantial question of law.

Mr. B.S. Sehgal, learned counsel appearing on behalf of respondent submits that both the Courts below have given finding on the basis of the oral and documentary evidence to hold that the Rule Ex.P5 does not prohibit the passing of the departmental test outside the cadre also. Once the defendant No.2 had been promoted from the post of Junior Engineer to Assistant Engineer without departmental test and the respondent-plaintiff having passed departmental examination yet he is denied to the promotion. It is

in these circumstances, the suit filed has been decreed and urges this Court for affirmation of the findings under challenge.

I have heard learned counsel for the parties and appraised the paper book and of the view that there is no force and merit, much less, in the submission of Mr. Brar as both the Courts below have relied upon the condition of (ii) of Rule 5 which clearly stipulates the passing of the departmental accounts examination will be a pre-requisite condition for promotion to the higher post. Once this fact has not been disputed before the courts below, as the respondent-plaintiff passed the test but yet denied the promotion, I am of the view that such findings are based upon the appreciation of the documentary evidence on record.

No ground for interference is made out, much less, no substantial question of law arises for determination.

I do not intend to differ with the findings rendered by both the Courts below.

Dismissed.

**18.05.2016**

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**(AMIT RAWAL)**  
**JUDGE**