

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.4661 of 2012

Date of Decision:- 14.7.2016.

Punjab State Electricity Board and others

.....Petitioners

Versus

Bhuneshwar Paswan and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

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: Mr. Gursimranjit Singh, Advocate for
Mr. Amit Aggarwal, Advocate for the
appellants.

Mr. Jaideep Verma, Advocate for
respondent Nos.1 to 3.

P.B. BAJANTHRI, J.

In the present Regular Second Appeal, the appellants have questioned the order of the Trial Court as well as Appellate Court dated 7.3.2011 and 10.5.2012, respectively.

2.) The respondents were initially appointed to the post of Unskilled Helper/Khalasis. They have earned promotion to the cadre of Skilled Helper and Junior Plant Attendant. The respondents' names have been rejected for promotion to the cadre of Auxiliary Plant Attendant on the score that they do not fulfill the qualification of pass in 8th standard (Non-Matriculates). Feeling aggrieved by the

non-consideration of the respondents for promotion to the post of Auxiliary Plant Attendants, respondents filed suit for declaration. Suit was decreed in their favour. The appellants aggrieved by the order passed in the suit, preferred an appeal before the Appellate Court. The Appellate Court confirmed the order passed in the suit. Hence, the present appeal.

3.) The short question for consideration in this case is whether the respondents fulfill the qualification prescribed for the post of Auxiliary Plant Attendants or not. Mode of recruitment to the post of Auxiliary Plant Attendant under the Punjab State Electricity Board is as follows:-

<i>Sr. No.</i>	<i>Name of the Post and Scale</i>	<i>Category from which promoted and scale</i>	<i>Minimum experience required in the category from which promoted</i>	<i>Qualification</i>
	'A' Time gap for promotion Channel (for plant Department)			
1	Skilled Helper (Rs.85/124)	Unskilled Helper Khalasis (Rs.70/195)	One Year	Matric + ITI (2 years or one and half year course)
			Two years	Matric + ITI (One Year Non-matric + ITI Matric)
			3 years	Non-matriculate who can read and write
3	Auxiliary Plant Attendant (Rs.200/450)	Jr. Plant Attendants (110/130)	One year	Diploma Holder/Section-A of AMIE having 2 nd class certificate of Boiler competency.
			Two years	Diploma Holders' Section-A of AMIE without 2 nd Class certificate of Boiler competency.
			Three yeas	Matric + ITI Under Matric + ITI with 2 nd class certificate of Boiler Competency.
			Six years	Non-matriculates

4.) Source cadre for the post of Auxiliary Plant Attendant is Junior Plant Attendant for the purpose of promotion with six years of experience and qualification prescribed is Non-Matriculates among other. In the Regulation, nowhere it is stated that Non-Matriculates means pass in 8th standard. The appellants have to read the Regulation what is therein. The appellants cannot go beyond the Regulation. Perusal of the Regulation, it is nowhere stated or defined that Non-Matriculates means pass in 8th standard. In view of these facts and circumstances, legal position in respect of filling up the post of Auxiliary Plant Attendants the Appellants cannot insist respondents that non-matriculate means pass in 8th standard. Thus there is no infirmity in the decree and order passed by the Appellate Court. The appellants have not made out a case so as to interfere with the impugned orders.

5.) Regular Second Appeal stands dismissed.

(P.B. BAJANTHRI)
JUDGE

July 14, 2016.

sandeep sethi