

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

RSA-1248-2014

Date of decision: February 04, 2016

NARINDER SINGH

.....Appellant

Versus

PUNJAB STATE POWER CORPORATION AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

**Present: Dr. Naresh Kaushik, Advocate
for the appellant**

SABINA, J

Appellant had filed suit for declaration that the period of ad hoc service rendered by him was liable to be counted towards seniority.

Case of the appellant-plaintiff, in brief, was that he had joined the defendant-Board on 17.1.1992 as Regular Trade Mate. Services of the appellant were regularized vide order dated 20.9.2004 and his name was shown at serial No.50. Vide order dated 27.4.2007, appellant along with other employees was ordered to be promoted. The name of the appellant figured at serial No.96. However, despite the said fact, the order dated 27.4.2007 was not implemented and the appellant was not permitted to join as Assistant Line Man. Hence, the suit was filed.

Defendants, in their written statement, averred that

the appellant was appointed purely on ad hoc basis as Trade Mate in the year 1991 and his services were regularized on 20.9.2004. Appellant could not challenge the order dated 20.3.1998 after a lapse of 11 years. So far as the order dated 27.4.2007 is concerned, the same could not be implemented on account of certain technical hurdles. The seniority of an employee was liable to be reckoned from the date of his regularization. Since appellant was regularized in service on 20.9.2004, his seniority was to be reckoned from the said date.

On the pleadings of the parties, following issues were framed by the trial Court:-

- “1. Whether the plaintiff is entitled to the promotion for the post of ALM with all service benefits including seniority etc. for?OPP
2. Whether the plaintiff is entitled to declaration as prayed for?OPP
3. Whether the plaintiff is entitled for mandatory injunction as prayed for?OPP
4. Whether the plaintiff is entitled for interest @ 18% p.a.?OPP
5. Whether the suit of the plaintiff is not maintainable in the present form?OPD
6. Whether the plaintiff has no locus standi or cause of action to file the present suit?OPD
7. Relief.”

Parties led evidence in support of their respective pleas.

Trial Court vide judgment and decree dated 15.5.2012

dismissed the suit of the plaintiff. The said judgment and decree

were upheld in appeal filed by the appellant by the First Appellate Court vide judgment and decree dated 19.10.2013. Hence, the present appeal by the appellant-plaintiff.

I have heard the learned counsel for the appellant and have gone through the record available on the file carefully.

In the present case, appellant had sought declaration that his seniority was to be fixed from the date of his initial joining on 17.1.1992. However, the relief sought by the appellant could not be granted to him as he had, initially, joined on ad hoc basis and his services were regularized vide order dated 20.9.2004. The period of service rendered by the appellant on ad hoc basis could not be counted towards seniority. Courts below had, thus, rightly dismissed the suit filed by the appellant.

No substantial question of law arises in this case warranting interference by this Court.

Dismissed.

**(Sabina)
Judge**

February 04, 2016

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