

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.355 of 1994(O&M)

Date of Decision: 17.01.2017

Punjab State of Electricity Board & others

...Appellants

Vs.

Darshan Ram

...Respondent

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present:- Mr. M.L. Saini, Advocate
for the appellants.

RAJIV NARAIN RAINA, J. (Oral)

This is a second appeal filed in 1994 against the judgment and decrees of the Courts below.

The solitary question involved in the appeal is whether the plaintiff was entitled to be appointed on regular basis as work charge T-Mate after completion of five years of service w.e.f. August 1985 and then considered for promotion to Assistant Lineman with effect from the date his juniors were promoted. As far as relief of declaration respecting regular appointment from March 1978 is concerned the Courts *a quo* denied it on the ground that relief claimed is time barred. However, plaintiff's claim for promotion from the date his junior was promoted has been accepted even though he was a non- Matriculate for the reason that all T-Mates, which is the feeder cadre post, constitute and form a common cadre and perform the same kind of duties placed in the same pay scale with common seniority list maintained. On this principle, the second relief claim was decreed. It is against this part of the decree that the Board has brought up this appeal.

When this matter came up for hearing on August 01, 1996

address of the sole respondent within a fortnight and on his doing so, notice was issued to the respondent to be served in due course. Effort to serve the respondent has remained unsuccessful. Presently, the report is that he is not residing at the given address.

Learned counsel for the Board submits that he had written three letters to his client which has evoked no response from the Board. He has expressed his helplessness in the matter.

I have heard arguments and considered the grounds taken in appeal against the partial decree but I find none of them sufficiently creditworthy to warrant interference in the findings of the Courts below on right to promotion from the date when juniors were promoted and the plaintiff wrongly denied consideration, even though the first relief was denied for good and justified reasons. The plaintiff was rightly denied regularisation as T-Mate from the date claimed. Against that part of the decree the plaintiff has not preferred an appeal and is satisfied with the decree. It is final qua him.

I would, therefore, not intervene in this matter since no substantial question of law is involved in the appeal either under Section 100 of the CPC or Section 41 of the Punjab Courts Act, 1918.

The appeal stands dismissed.

(RAJIV NARAIN RAINA)
JUDGE

17.01.2017
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Whether speaking/reasoned

Yes

Whether reportable

No