

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.429 of 2016 (O&M)

Date of Decision: 16.01.2017

UHBVNL & Ors.

... Appellants

VS.

Roshan Lal

... Respondent

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

Present: Mr. Parveen Chauhan, Advocate for
Mr. Gagandeep Singh Wasu, Advocate for the appellants
Mr. RS Tacoria, Advocate for the respondent

SURYA KANT, J. (Oral)

(1) This Letters Patent Appeal is directed against the order dated 02.07.2015 vide which learned Single Judge has set aside the condition of passing type-test imposed in the promotional order of the respondent. Learned Single Judge has relied upon a Division Bench judgment passed in **CWP No.1711 of 2011 (Uttar Haryana Bijli Vitran Nigam Ltd. vs. Phool Chand)** decided on 27.08.2013.

(2) We have gone through the cited decision and find that the said decision also pertains to the promotion from the post of Peon to LDC where also the condition of passing type-test was imposed while promoting a Peon as LDC. Such a condition was held to be bad in law for the reasons assigned in para 7 of the cited decision.

(3) Those reasons are applicable in the case in hand also. We thus do not find any merit in this appeal which is accordingly dismissed.

**(Surya Kant)
Judge**

16.01.2017
vishal shonkar

**(Sudip Ahluwalia)
Judge**

1. Whether speaking/reasoned?
2. Whether reportable?

Yes / No
Yes / No