

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

RSA No.4441 of 2013 (O&M)
Date of Decision : 25.09.2017

Deen Mohammed

..... Appellant

Versus

Dakshin Haryana Bijli Nigam Limited and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. G.K.Chawla, Advocate
for the appellant.

Ms. Gagandeep Kaur, Advocate for
Mr. Abhhishek Singla, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the judgment of the lower appellate Court reversing that of the trial Court and thereby dismissing the suit of the appellant.

The case of the appellant was that he was entitled for promotion from the date Dwarka Dass was promoted to various posts like Circle Assistant, Head Clerk and Circle Superintendent. The trial Court noticed that during that time 3-4 punishments were imposed upon the appellant but went on to hold that since 70% of his Annual Confidential Reports were good he was entitled for promotion. The lower appellate Court on the basis of the decisions in *State of Tamil Nadu Vs. Thiru K.S.Murugesan, 1995 (3) SCT 345, Kuljinder Singh Vs. Registrar, Punjab and Haryana High*

Court, 2011 (1) SCT 166, Subhash Gakhar Vs. State of Haryana, 2013(1)

RSJ 39, Ved Pal Vs. State of Haryana and others, 2009(4) SCT 42 and Union of India Vs. K.V.Jankiraman, 1991(3) SCT 317 took a more correct view and noticed that at that time when the junior was promoted the appellant was under punishment and held that the claim of the appellant could not be accepted.

I see no reason to take a different view. The appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

25.09.2017
pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No