

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

CWP-357-1996 (O&M)
Date of Decision: 11.05.2018
 --Petitioner

Sushil Kumar

Versus

Haryana State Electricity Board & another --Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. B.S. Patwalia, Advocate for the petitioner.
None for the respondents.

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TEJINDER SINGH DHINDSA, J.(ORAL).

The instant petition was filed in the year 1996 raising a two fold prayer. In the first instance issuance of a writ of mandamus was sought to consider and appoint the petitioner on the post of Lineman under the Erstwhile Haryana State Electricity Board in the light of Instructions dated 23.03.1983 (Annexure P-3) issued by Government of India. The second prayer was for directions to be issued to the Board to release to the petitioner salary for the months of October/November, 1995.

Pleadings on record would indicate that the petitioner after passing 10+2 in the vocational stream (Lineman Trade) was sent as Apprentice Lineman under the respondent/Haryana State Electricity Board (in short 'the Board') in the year 1991. Petitioner is stated to have successfully completed the 3 years Apprenticeship.

Entire case set up on behalf of the petitioner was that Government of India had issued Instructions dated 23.03.1983 (Annexure P-3) and in pursuance thereof, petitioner was vested with a right to be appointed as a Lineman under the Board on a preferential basis.

Present petition was admitted on 14.07.1997. No interim

directions had been passed in favour of the petitioner as regards the consideration for appointment/adjustment as Lineman under the Board.

More than 20 years have passed since.

Clearly, by way efflux of time, the prayer of the petitioner to be considered for appointment on the post of Lineman as of date does not survive.

Insofar as the second prayer for release of salary for the months of October/November, 1995, Mr. B.S. Patwalia, learned counsel representing the petitioner has been candid to submit that the petitioner while working as Apprentice was entitled to stipend and not salary.

Insofar as the stipend is concerned, the same is stated to have already been paid/released in relation to the contracted period.

In para 9 of the written statement filed and placed on record on behalf of the Erstwhile Haryana State Electricity Board, it had been clearly averred that the petitioner never worked as Lineman but was only engaged as Apprentice and continued in the Board even after completion of his training.

The agreement pertaining to apprenticeship was terminated on 30.09.1995 and stipend upto such date was duly paid to the petitioner. Such stand taken in the written statement has met with no rebuttal at the hands of the petitioner. No directions are called for in the instant petition.

The same is disposed of.

11.05.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |