

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

110

**RSA-3273-2017 (O&M)
Date of decision:04.04.2018**

Romesh Chand

... Appellant

Versus

The Punjab State Power Corporation and others

....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. R.K.Sharma, Advocate for the appellant.

P.B. BAJANTHRI, J. (ORAL)

Appellant is in the cadre of Lower Division Clerk (LDC). Promotional post is Upper Division Clerk (UDC). Apparently for the reasons that he had not passed prescribed departmental examination like accounts examination he was not promoted. His grievance is that he is entitled for exemption from passing accounts examination in view of Regulation 9(a) Punjab State Electricity Board Ministerial Services (Class III), Regulation, 1985 (for short 'Regulations 1985') read with circular dated 28.04.1998 by which exemption from passing accounts examination for promotion from LDC to UDC among other cadres with the stipulation that incumbent has completed 50 years of age irrespective of the fact that he has availed six attempts to clear the departmental examination.

2. In view of the above facts and circumstances question for consideration is whether appellant is entitled to promotional increment for serving 23 years of service or not? No doubt Regulation 9(a) of Regulation 1985 read with Circular dated 28.04.1998 provides for exemption insofar as

passing departmental accounts examination for promotion. At the same time one has to look into whether appellant's claim is for promotion to the Upper Division Clerk or not? His grievance is that he had completed 23 years of service, therefore he is entitled for promotional increment. Respondent authorities have not invoked Regulation 9(a) of Regulation 1985 read with relevant regulation which provides for promotional increment if an employee is stagnated in a post like LDC for 23 years. In other words, as long as promotional increment regulation is not amended or any relaxation of passing examination provision provides, appellant is not entitle to promotional increment even if he has not passed prescribed examination. Thus, there is no infirmity in the order passed in appeal by the appellate court.

3. Accordingly, appeal stands dismissed.

04.04.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No