

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

**RSA No. 5055 of 2018 (O&M)
Date of Decision: 24.01.2020**

Ramji Lal Appellant
Versus

Haryana Government and others ... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Balraj Singh, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-appellant has filed present regular second appeal against concurrent finding of fact arrived at by the Courts below. Learned trial Court while noticing the facts has also noticed the grievance of the appellant in para no. 2 which is extracted as under:-

“A brief synopsis of the plaintiff's case is that he was appointed on 22.08.1966 as adhoc clerk and regularized with effect from 30.08.1968 in Public Health Department at Bhiwani. He was further promoted as Sub Divisional Clerk with effect from 11.1.1972 and further promoted as Assistant with effect from 05.02.1979 and further promoted as Deputy Superintendent with effect from 05.04.1996 and retired on 30.09.2004 from the Public Health Department, Naraingarh. It has been stated that the appointment letter No. 11999-12018 dated 20.07.1974 is not valid in view of the following points:-

(a) 18 persons were directly appointed as Assistant by the Public Health Department having qualification as graduate without any experience. 50 posts in number were sent by the department to S.S.S. Board Chandigarh vide EIC Panchkula Letter No. 10264 dated 26/27.6.73 having the graduate qualification.

(b) The plaintiff applied for the post of Assistant on 15.7.1974 having qualification as graduate. In addition, the plaintiff was having experience of 8 years and 42 days training of finance department. These additional qualifications were not there in direct recruitee.

(c) When the letter no. 11999-12018 dated 20.7.1974 was endorsed to field offices then there was a condition no. 10 of above letter which is as follows:-

“Their promotion is temporary and subject to termination on availability of candidates for whom posts are reserved.”

It is stated by the plaintiff that despite his 8 years experience and 42 days practical training, his application is rejected which is against condition 10 as stated above.

(d) Vide office order no. 12050 dated 20.7.1974, Shri Baldev Raj Chhabra was also appointed from direct recruitment. It has been contended by the plaintiff that his appointment is not proper as plaintiff's qualification was much more than Shri Baldev Raj Chhabra.

(e) He submitted that he sent his application on 15.7.1974 before 5 days of the appointment letter no. 11999-12018 dated 20.7.1974 but the application of plaintiff was rejected without assigning any reason or cause vide EIC Haryana PWD Public Health Branch Panchkula bearing no. 52-52/9856-PHE-11 dated 30.7.1974.

2.2- The plaintiff has made various representations to the defendants to consider his request but nothing favourable has been done by the defendants. Hence this suit.”

It is significant to note that the plaintiff retired from service on 30.09.2004 after attaining the age of superannuation. He filed the suit on 25.08.2010. Both the Courts after examining the case on merits as well as on limitation have found that the plaintiff has failed to establish his case. Plaintiff claims that he has a right to be appointed on the post of assistant. As per rules, in force at the relevant time, an employee could be considered for promotion to the post of assistant, only after gaining working experience of 5 years. Plaintiff was promoted as Sub Divisional Clerk on 11.01.1972. Therefore, in the year 1974 he was not having requisite experience.

Still further, on careful perusal of the judgments passed by the Courts below, it is apparent that both the Courts have discussed the evidence led and after analyzing the same, decided the case.

Learned counsel for the appellant although made sincere attempt, however, failed to draw attention of the Court to any substantive error in non-reading or misreading of the evidence. He failed to draw attention of the Court to any error of law.

Dismissed.

(ANIL KSHETARPAL)
JUDGE

24.01.2020
Maninder

Whether speaking/reasoned	:	Yes
Whether reportable	:	No