

2023:PHHC:152310
102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-1980-1992 (O&M)
Date of decision: 30.11.2023

Punjab State Electricity Board, Patiala

....Appellant

Versus

Amar Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms.Harpriya Khaneka, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

1. In this Regular Second Appeal, the concurrent findings of fact arrived at by the courts below is assailed by the defendant. In this case, both the courts have set aside the orders reverting the plaintiffs from the post of Foreman to that of Lineman on the ground that the aforesaid orders have been passed in violation of the principles of the natural justice. It has been held that the appellant has failed to prove that the plaintiffs were promoted as 'Lineman' beyond their quota or they were the junior most post holders, who deserved to be reverted. It has also been held that one of the plaintiffs belongs to the Scheduled Caste category whereas the other belongs to the Backward Class category. The defendant have failed to prove that the plaintiffs were promoted beyond their quota.

2. Heard the learned counsel representing the appellant at length and with her able assistance perused the paperbook. Learned counsel representing the appellant submits that the orders of

reversion were passed with respect to the plaintiffs in order to correct the errors. She submits that in such circumstances the courts have erred in decreeing the plaintiff suit.

3. This Court has considered the submissions made by the learned counsel representing the appellant. As already noticed, both the courts have found that not only the plaintiffs were reverted by infringing the principles of the natural justice but even it was not proved by the respondent that they were the junior most post holders, who were required to be reverted.

4. Furthermore, from the reading of the judgment passed by the learned trial court, it becomes evident that the plaintiff was promoted as a Foreman in May, 1982. In normal circumstances, the plaintiff would have retired on attaining the age of superannuation.

5. While admitting the appeal, notice regarding stay was issued, however, no interim order was passed. Most probably the plaintiff (respondent) continued to work on the post of Foreman and retired. Hence, at this stage, no ground to interfere is made out.

6. Dismissed.

7. All the pending miscellaneous applications, if any, are also disposed of.

30.11.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE