

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

(202)

RSA-1615-1993 (O&M)

Date of Decision : February 26, 2024

Punjab State Electricity Board and others**.. Appellants****Versus****Rajinder Singh****.. Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Parminder Singh-I, Advocate, for the appellants.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present regular second appeal has been filed by the appellants that the respondent-plaintiff was wrongly held entitled for the grant of promotion to the post of Assistant Lineman by the Courts below and the suit was decreed by the trial Court and the appeal filed by the appellants was wrongly dismissed.

2. Learned counsel for the appellants has argued that a period of 222 days of working as a Work charge Chowkidar has been taken into account, which service could not have been taken into account to allow the claim of the respondent-plaintiff.

3. On being asked to point out the Rule, which prohibits taking into account any service which the respondent-plaintiff had rendered as a Work Charge Chowkidar, learned counsel for the appellants has not been able to point out any such Rule so as to bring the same on record.

4. In the absence of any Rule prohibiting a particular service from being taken into account, the concurrent findings recorded by the Courts below that the respondent-plaintiff was fully eligible for promotion to the post of Assistant Lineman, cannot be set aside.

5. Further, in the regular second appeal, only the perversity in the findings on the basis of law can be looked into keeping in view the evidence and facts, which have come on record and no such perversity in the findings of the Courts below have been pointed out on the basis of the record.

6. In view of the above stated position, no ground is made out for any interference by this Court in the present regular second appeal.

7. Dismissed.

February 26, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No