

RSA-823-1998(O&M)

-1-

221

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-823-1998(O&M)

Date of order:-30.04.2024

Punjab State Electricity Board, Patiala and another

...Appellants

Versus

Ishar Singh Sidhu

...Respondent

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr.Alok Mittal, Advocate for
Mr.Ishwinderpal Singh, Advocate
for the appellants.

None for respondent.

SUVIR SEHGAL, J.(ORAL)

1. Defendants are before this Court by way of the instant second appeal challenging the concurrent findings recorded by both the Courts below.

2. Pleaded case of the plaintiff – respondent is that he was working on the post of Lower Division Clerk (LDC) and was posted as a Junior Librarian at Guru Nanak Dev Thermal Plant, Bathinda when that post fell vacant on 29.05.1985. Subsequently, he was reverted to the post of LDC and was again promoted on 24.10.1987 and continued to work on that post till the filing of the suit. During the pendency of the suit, he was again reverted to the original post. He has filed a suit for declaration that he is entitled to the benefit of salary of the post on which he was discharging duties. Upon notice, suit was contested by the

221

defendants by filing written statement wherein they have denied the claim and took a stand that the plaintiff was discharging duties as a stop gap arrangement. On the pleadings of the parties, issues were framed and after they led evidence, Trial Court by judgment dated 18.10.1994 decreed the suit holding that plaintiff is entitled to arrears of salary for three years prior to filing of the suit. First appeal preferred by the defendants was rejected by learned Additional District Judge, Bathinda by judgment dated 06.01.1998, resulting in the institution of the present appeal by them.

3. I have heard counsel for the appellants and considered his submissions as well as examined the record with his able assistance.

4. Plaintiff has led evidence and established before the Trial Court that he was asked to work on the higher post from October, 1987 and he discharged duties on the post till his retirement. Rule 3 (iv) of Rule 14 (iv) of Punjab State Electricity Board, Main Services Regulations 1972 provides that where the officiating promotion exceeds three months, an employee is to be granted the pay of the higher post for the excess period. Moreover, an employee is entitled to the salary of the post on which he has discharged duties even if he has been asked to work on officiating post or has been given a temporary charge. It has been so held by the Supreme Court in *Secretary-cum-Chief Engineer, Chandigarh Versus Hari Om Sharma (1998) 5 S.C.C. 87*. This Court is, therefore, of the view that the reasoning given by the Courts below does not call for any interference and the judgments and decrees of both the Courts deserve to be upheld.

5. Finding no merit in the appeal, it is hereby dismissed with

RSA-823-1998(O&M)

221

no order as to costs.

6. Pending application, if any, stands disposed of.

30.04.2024

(SUVIR SEHGAL)
JUDGE

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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No