

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

RSA-750-2020 (O&M)

Date of decision: 14.03.2024

Hari Om

....Appellant

Versus

XEN, Public Health, Bhiwani and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.S.K.Verma, Advocate for the applicant/appellant
Mr.J.S.Pannu, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

CM-1663-C-2024

1. For the reasons stated in the application, delay of 26 days in re-filing the application for restoration of the appeal is condoned.
2. CM stands allowed.

CM-1667-C-2024

3. For the reasons stated in the application, delay of 18 days in filing the application for restoration of the appeal is condoned.
4. CM stands allowed.

CM-1670-C-2024

5. For the reasons stated in the application, the order dated 18.10.2023 is recalled. CM stands allowed. The appeal is restored to its original number and with the consent of the learned counsel representing the appellant, the same is taken up on Board for final disposal.

Main case

6. In this Regular Second Appeal, the plaintiff assails the correctness of the concurrent findings of fact arrived at by the courts below while dismissing his suit for the grant of decree of declaration that he is entitled to the pay scale of Water Pump Operator, Grade II, which is a technical post. It has come on record that the appellant was promoted as an Assistant Pump Operator in the year 1997. He, alongwith certain other employees, filed a writ petition, which was disposed of by directing the Chief Engineer to consider their matter. The Chief Engineer, on perusal of the record, came to the conclusion that the appellant is not working on a technical post. In fact, it was concluded that the appellant is working on a non-technical post. Thereafter, the plaintiff filed the suit, which has been dismissed by both the courts below.

7. Learned counsel representing the appellant, while referring to Haryana Public Works Department, Public Health Branch, Circle Cadre Mechanical Establishment (Group C) Rules, 1998 submits that Water Pump Operator Grade II is a technical post.

8. This Court has considered the submissions made by the learned counsel representing the parties.

9. The appellant is working in a Public Health Division. He is working only as an Assistant Pump Operator, which according to the stand of the respondents is a non-technical post.

10 Keeping in view the aforesaid facts, no ground to interfere is made out.

11. Hence, dismissed.

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

14.03.2024
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE