



RSA-2873-2001 (O&M)

-1-

214

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

RSA-2873-2001 (O&M)

Date of Decision: 24.07.2025

Punjab State Electricity Board and others

.....Appellants

Vs.

Ram Lal

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. P.S.Thiara, Advocate,
for the appellants.

Mr. Binderjit Singh, Advocate,
for the respondent.

SUDEEPTI SHARMA J. (ORAL)

1. The present Regular Second Appeal is preferred against the judgment and decree dated 11.10.1999 passed by the learned Additional Civil Judge (Senior Division), Bathinda, whereby, the suit for declaration filed by the respondent was decreed in his favour and the judgment and decree dated 09.02.2001 passed by the learned Additional District Judge, Bathinda, whereby, the appeal filed by the appellants, was dismissed.

2. Brief facts of the case, as per civil suit, are that the respondent was working as Cashier in Sub-Division Office Goniana, District Bathinda. He was promoted as Telephonist from skilled helper on 26.07.1978 against vacant post. He applied for the post of Lower Division Clerk through proper channel and was made Lower Division Clerk by the SE, Rural,



RSA-2873-2001 (O&M)

-2-

Electrification PSEB, Jalandhar, vide memo dated 12.03.1980. Thereafter, he joined as Lower Division Clerk after relieving from the post of Telephonist. The appellant No.1 issued office order dated 21.01.1982, vide which, PSEB merged the cadre of Telephonist into that of Lower Division Clerk and it was mentioned therein that seniority would be counted from the date of the appointment as Telephonist. The seniority list was circulated in the year 1993 and the respondent made objections to the same but his representation and objections were rejected vide letter dated 27.04.1995. He challenged the same by filing civil suit for declaration that he is entitled to seniority from the date of joining as Telephonist. The civil suit filed by him was decreed in his favour vide judgment and decree dated 11.10.1999 passed by learned Additional Civil Judge (Senior Division), Bathinda. The appeal filed by the appellants against the judgment and decree dated 11.10.1999 was dismissed by the learned Additional District Judge, Bathinda, vide its judgment and decree dated 09.02.2001. Hence, the present regular second appeal.

3. Learned counsel for the appellants contends that both the Court did not appreciate the evidence on record and decreed the suit filed by the respondent in his favour and the appeal filed by the appellants was also wrongly dismissed by the learned Additional District Judge, Bathinda. He, therefore, prays that the present appeal be allowed.

4. *Per contra*, learned counsel for the respondent submits that the learned Additional Civil Judge (Senior Division), Bathinda, has rightly



RSA-2873-2001 (O&M)

-3-

decreed the suit in favour of the respondent and the appeal filed by the appellants has rightly been dismissed by the learned Additional District Judge, Bathinda. He, therefore, prays that the present appeal be dismissed.

5. I have heard learned counsel for the parties and perused the case file with their able assistance.

6. It is admitted fact that respondent was appointed as regular Telephonist on 26.07.1978 and was promoted as Lower Division Clerk vide memo dated 12.03.1980 (Ex.P-3). Vide order dated 21.04.1982 (Ex.P-4), the appellants merged the cadre of regular Telephonist into that of Lower Division Clerk in the similar scale with immediate effect. It is also mentioned in the order that on merger they would be borne on joint integrated cadre and seniority of regular Telephonist so merged into Lower Division Clerk shall be fixed on the basis of their respective date of regular appointment. The appellants denied the benefit of seniority to the respondent on the ground that the appointment of the respondent on the post of Lower Division Clerk is to be treated as fresh appointment by relying upon Para No.7 of order dated 12.03.1990 (Exhibit P-3). A perusal of the same shows that if one is employed in any Central or State Government, Semi Government etc., apart from the Electricity Board, then he is to resign from that post before joining the post of Lower Division Clerk and he will be considered as fresh appointee for all intents and purposes. This condition is not applicable to the employees of Electricity Board, who are already working in the Electricity Board. There is nothing on record to show that

**RSA-2873-2001 (O&M)****-4-**

the respondent submitted his resignation from the post of regular Telephonist before joining the post of Lower Division Clerk. Further, the cadre of regular Telephonist and that of Lower Division Clerk were merged and after merger, Telephonist could be appointed as Lower Division Clerk. The seniority of both the posts was also merged. Therefore, the civil suit filed by the respondent was rightly decreed in his favour vide judgment and decree dated 11.10.1999 passed by learned Additional Civil Judge (Senior Division), Bathinda and the appeal filed by the appellants was rightly dismissed by the learned Additional District Judge, Bathinda, vide its judgment and decree dated 09.02.2001.

7. In view of the above, I do not find any infirmity or illegality in the judgment and decree dated 11.10.1999 passed by learned Additional Civil Judge (Senior Division), Bathinda and judgment and decree dated 09.02.2001 passed by the learned Additional District Judge, Bathinda, and the same are hereby upheld.

8. Consequently, the present appeal is hereby **dismissed**. Parties are left to bear their own costs.

9. Decree sheet be drawn.

10. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

24.07.2025

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No