



RSA-1906-2024 (O&M)

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

RSA-1906-2024 (O&M)

Reserved on : 03.11.2025

Pronounced on : 11.11.2025

Punjab State Power Corporation Limited and othersAppellants

Vs.

Jagdev Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMAPresent : Mr. Sushane Puri, Advocate,
for the appellants.Mr. Puneet Kumar Bansal, Advocate,
for the respondent.

SUDEEPTI SHARMA J.

1. The present Regular Second Appeal is preferred against the judgment and decree dated 14.12.2022 passed by learned Civil Judge (Junior Division), Ferozepur, whereby civil suit filed by the respondent was decreed in his favour, as well as the judgment and decree dated 28.02.2024 passed by learned Additional District Judge, Ferozepur, whereby the appeal filed by the appellants was dismissed.

BRIEF FACTS

2. Brief facts of the case, as pleaded in the civil suit, are that respondent was appointed on the post of Assistant Storekeeper in August, 1989. He was promoted on the post of Storekeeper in December, 2004. On



18.12.2007, respondent gave an application that he be posted at Ferozepur and he will not claim any seniority for the post of Head Storekeeper. On 28.11.2008, order of promotion/posting on provisional basis was passed by the appellant-Corporation, whereby respondent was promoted as Head Storekeeper (in his scale) under the Central Store, Ferozepur, and in the special remarks, it was stated that “it is in the personal interest, in his scale, against vacant post and the employee will not file any case for benefits of Head Storekeeper”. Further, under the note, there is a condition that promotion of respondent as provisional Head Storekeeper is subject to the condition that case for his promotion as regular Head Storekeeper would be considered again after completion of his 05 years of service as Storekeeper. The second condition was that seniority number of respondent would remain the same, which was for the post of Storekeeper, although, he joined on any date on new post and the promotion of respondent as Head Storekeeper does not make him entitled for seniority above those employees, who are senior to him. Respondent kept on working as Head Storekeeper but he was given the salary of Storekeeper. In December, 2009, he completed 05 years of service on the post of Storekeeper, but he was not promoted as Head Storekeeper despite passing of order dated 28.11.2008. On 01.06.2012, charge-sheet was issued against him on the ground that he had not maintained MCR properly due to which excess material was withdrawn. On 02.11.2012, he submitted reply by stating that due to non-posting of Assistant Storekeeper, he was



facing difficulty in maintaining MCR. And excess material was withdrawn by the Junior Engineer, which was issued as per SR's approved by the Incharge Officer of Sub-Division, Mudki and the alleged excess material was already returned by the Junior Engineer. On 30.04.2014, respondent retired from service on attaining the age of superannuation. On 19.08.2014, after retirement, penalty of 10% cut in pension for 05 years was imposed upon the respondent. Statutory appeal was filed by the respondent before the Appellate Authority of the appellant-Corporation, but no decision was initially taken. On 27.05.2019, civil suit was filed by the respondent challenging the punishment order and other relief, which was withdrawn with liberty to file afresh. On 08.07.2019, appeal filed by the respondent before the Appellate Authority of the appellant-Corporation was dismissed. On 05.09.2019, he filed fresh civil suit challenging the order passed in appeal by the appellant-Corporation as well as the original penalty order, along with other reliefs. Civil suit filed by the respondent was decreed in his favour, vide judgment and decree dated 14.12.2022 passed by the learned Civil Judge (Junior Division), Ferozepur. The appellants filed appeal against the same, which was dismissed by the learned Additional District Judge, Ferozepur, vide its judgment and decree dated 28.02.2024. Hence, the present regular second appeal.

**SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PARTIES**

3. Learned counsel for the appellants contends that civil suit filed by the respondent in the year 2019 for cause of action, which arose in the year 2008, is delayed by 11 years. He further contends that the respondent retired in the year 2014 and in the civil suit filed in the year 2019, he was asking for salary for the post of Head Storekeeper, which has been filed after 11 years. Further contends that right to challenge accrued twice, once when he was provisionally promoted in the year 2008 and next in the year 2013, when his case was to be considered after completion of his 05 years service as Storekeeper. He further contends that since the civil suit filed by the respondent was barred by limitation, therefore, the arrears should have been restricted to 03 years from the date of filing of the civil suit but the Civil Court decreed the suit filed by him in his favour and granted him salary from the year 2013. He further contends that condition in order dated 28.11.2008 that respondent would be considered for promotion after completion of 05 years service as Storekeeper was accepted by the respondent and he kept on working till the age of superannuation i.e. 30.04.2014. He further contends that he never challenged condition in the order dated 28.11.2008, wherein, it was mentioned that his case would be considered as regular Head Storekeeper after completion of five years of service as Storekeeper. And it was only in the year 2019, he raised the issue of salary. He, therefore, prays that the present appeal be allowed.



4. Per contra, learned counsel for the respondent submits that though he retired on 30.04.2014, however, after his retirement, vide order dated 19.08.2014, penalty of 10% cut in pension for five years was imposed upon him and departmental appeal filed by him was dismissed on 08.07.2019. He immediately filed civil suit on 05.09.2019, therefore, there was no delay in filing of the civil suit. He further contends that both the Court have rightly decreed the civil suit filed by the respondent and dismissed the appeal filed by the appellants. Therefore, he prays that the present appeal be dismissed.

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

6. A perusal of the record shows that the respondent retired on 30.04.2014 and after his retirement, vide order dated 19.08.2014, penalty of 10% cut in pension for five years was imposed upon him. Civil suit was filed after decision of statutory appeal filed by the respondent, which was dismissed on 08.07.2019. Therefore, the civil suit filed by the respondent is not time barred. Further perusal of the record shows that no financial loss as alleged by the appellants was caused to the appellant-Corporation by withdrawal of excess articles from the store since the same were got deposited back. And there is no such calculation of alleged loss because of the conduct of the respondent on record. So far as the allegation regarding not maintaining the MCR is concerned, Ex.P2 is the order dated 19.08.2014,



wherein it is mentioned that the respondent was maintaining the MCR, but due to rush of work, the same was not properly maintained. Further perusal of the record shows that the respondent was seeking promotion as Head Storekeeper since the year 2008 and as per the record, even at the time of submitting the application for posting as Head Storekeeper on his own scale, it is categorically submitted by the respondent that he was holding charge of Head Storekeeper for the last long time and he was performing the duties of the Storekeeper since long. Therefore, the contention of the learned counsel for the appellants with regard to delay in filing the civil suit and regarding salary of Head Storekeeper, the same is rejected by this Court.

7. Admittedly, respondent was working as Head Storekeeper long before the year 2008. Charge-sheet was issued against him in the year 2012. He filed reply to the charge-sheet in the year 2012 itself. He retired in the year 2014 and almost 4-5 months after his retirement, the punishment order was passed and after about five years, the appeal filed by him against the punishment order was dismissed. As per general criteria for promotion dated 18.02.2020 Ex.P12, wherein, at page No.4 at point 8(iii), it is mentioned that in case the disciplinary case of an employee is not finalized within one year of the submission of his reply to the charge-sheet and six months in case of show cause notice, the employee concerned should be considered for promotion without prejudice to the final outcome of the disciplinary proceedings pending against him. As per the record, the



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disciplinary case was not finalized within one year and the respondent was to be promoted after five years as stated in letter of promotion dated 28.11.2008 i.e. in the year 2013, whereas, in the present case, he was never promoted as Head Storekeeper.

8. In view of the above discussion, I do not find any infirmity or illegality in the judgment and decree dated 14.12.2022 passed by learned Civil Judge (Junior Division), Ferozepur, as well as the judgment and decree dated 28.02.2024 passed by learned Additional District Judge, Ferozepur, and the same are hereby upheld.

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

10. Decree sheet be drawn.

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

(SUDEEPTI SHARMA)
JUDGE

11.11.2025

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No