



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

102

RSA-1901-1997

Date of decision: 24.02.2026

Surmukh Singh and others

.....Appellants

Versus

Punjab State Electricity Board and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. H.K. Brinda, Advocate
for the appellants.

Mr. Kabir Sarin, Advocate
for the respondents.

NAMIT KUMAR, J. (ORAL)

1. The instant Regular Second Appeal has been filed by the appellants/plaintiffs assailing the judgment and decree dated 21.03.1997 passed by the learned Additional District Judge, Rupnagar, whereby the judgment and decree dated 04.09.1995, passed by learned Senior Sub Judge, Ropar, has been modified to the extent that the plaintiffs shall be entitled for arrears of pay and allowances with effect from 21.04.1989 instead of 30.06.1986.

2. Parties to the *lis* hereinafter shall be referred to by their original position before the learned Trial Court.

3. Briefly stated, the facts of the case are that the plaintiffs filed a suit for mandatory injunction, directing the defendants to consider the plaintiffs stand promoted/converted as work charge from daily wage employees with effect from 30.06.1986 for all intents and purposes in accordance with letter dated 29.07.1986. The suit was

decreed by the learned Trial Court, vide judgment and decree dated 04.09.1995 and a decree of mandatory injunction was passed in favour of the plaintiffs with further directions to the defendants to consider the plaintiffs stand promoted/converted as work charge from daily wage employees with effect from 30.06.1986 for all intents and purposes in accordance with letter dated 29.07.1986. The said judgment and decree was assailed by the defendants before the learned First Appellate Court and the same has been modified to the extent that the plaintiffs have been held entitled for pay and arrears with effect from 21.04.1989 instead of 30.06.1986.

4. The case set up by the defendants before the learned First Appellate Court was that the suit filed by the plaintiffs was time barred and ought to have been dismissed. However, it was held by the learned First Appellate Court that since there was a recurring cause of action, therefore, the suit was not time barred. However, the relief was moulded with regard to arrears from 21.04.1989 instead of 30.06.1986. The said view of the learned First Appellate Court is supported from the judgment of the Hon'ble Supreme Court in State of *Madhya Pradesh and others v. Yogendra Shrivastava : 2010(1) SCT 434*. Therefore, the judgment and decree passed by the learned First Appellate Court is as per law and does not require any interference by this Court.

5. The instant Regular Second Appeal stands dismissed accordingly, with no order as to costs.

24.02.2026

Vinay

(NAMIT KUMAR)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No