



RSA-2440-2008 (O&M)

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

RSA-2440-2008 (O&M)

Mohan Lal

.....Appellant

Vs.

U H B V N L and others

.....Respondents

Reserved on : 28.01.2026**Date of Decision: 30.01.2026****Uploaded On: 31.01.2026***Whether only the operative part of the judgment is pronounced?* NO*Whether full judgment is pronounced?* YES**CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. H.N Sahu, Advocate
for the appellant.

Mr. Kartar Singh Malik, Advocate
for respondent Nos.1 to 3.

SUDEEPTI SHARMA J.

1. The present appeal is preferred against judgment and decree dated 07.09.2007 passed by District Judge, Karnal.
2. Brief facts of the case as per the pleadings are that appellant was working as Assistant Foreman with Uttar Haryana Bijli Vitran Nigam Limited. He was promoted to the post of Junior Engineer (Field) by the office of Chief Engineer 'OP' Zone-III, Haryana State Electricity Board, HIsar vide office order dated 08.07.1998. As per note 3 of the said promotion order, the promotions were made on clear understanding that officials were not involved in any embezzlement/misappropriation and no enquiry/chargesheet, show-cause notice was pending against him. His promotion orders were not implemented on the ground that chargesheet was pending against him as per pleadings. Chargesheet was received by him on



27.08.1998 that is after the issuance of promotion order dated 08.07.1998. He filed civil suit for mandatory injunction, whereby, he sought direction against respondents to give effect to the promotion orders dated 08.07.1998. Civil suit filed by him was dismissed by Civil Judge Jr. Division, Karnal vide its judgment and decree dated 08.09.2006. He filed appeal against the same before District Judge, Karnal which was accepted vide judgment and decree dated 07.10.2006 and respondents were directed to reconsider the case of appellant for promotion w.e.f. 29.08.2002 when the disciplinary proceedings against him were decided, after taking into consideration his entire record including the punishment that was awarded to him. Hence, the present regular second appeal on the ground that he should be considered for promotion from the date promotion orders were given to him i.e. 08.07.1998.

3. Learned counsel for the appellant contends that he filed civil suit for implementation of order dated 08.07.1998 vide which promotion orders were given to him and learned First Appellate Court wrongly directed the respondents to reconsider the case of appellant for promotion w.e.f. 29.08.2002 when the disciplinary proceedings against him were decided. He, therefore, prays that the present appeal be allowed.

4. *Per contra*, learned counsel for the respondent contends that respondents also filed regular second appeal No.3972 of 2007 challenging judgment and decree dated 07.09.2007 which was dismissed by Coordinate Bench of this Court. He further contends that appellant retired on 28.02.2008, therefore, the present appeal has rendered infructuous and the same be dismissed.



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

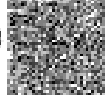
6. A perusal of the record shows that the civil suit was filed on 21.09.2004/27.09.2006 which was decided on 08.09.2006. Thereafter, the appeal was filed on 07.10.2006 and the same was accepted on 07.09.2007 by District Judge, Karnal and direction was issued to the respondents to reconsider the case of appellant for promotion w.e.f. 29.08.2002 when the disciplinary proceedings against him were decided, by taking into consideration his entire record including punishments that were awarded to him. And if he was found fit for promotion, the necessary consequences would follow. Appellant as well as respondent filed appeal against judgment and decree dated 07.09.2007 passed by District Judge, Karnal. The regular second appeal bearing No.3972 of 2007 filed by the respondents was dismissed as follows vide order dated 11.12.2008 :-

“I have heard counsel for the appellant and perused the judgment and decree passed by the first appellate court.

Admittedly, departmental proceedings that led to the denial of promotion to the respondent have concluded on 29.08.2002, and there is no impediment in the respondent's asserting his right to be considered for promotion. The first appellate court's direction to the appellants to consider the respondent's claim for promotion does not suffer from any illegality or impropriety. The appellants would be free to consider the respondent's claim for promotion in accordance with law. As no question of law much less a substantial question of law arises for consideration, the appeal is dismissed.”

7. The appellant in the present appeal has reitred on 28.02.2008.

Even after the decision of the appeal filed by the respondents in the year 2008 itself, the respondent did not reconsider case of the appellant and



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appellant also did not pursue with the same.

8. A perusal of the file further shows that impugned judgment was never stayed by this Court. Respondents did not reconsider the case of the appellant as per judgment and decree dated 07.09.2007 even after the decision of RSA-3972-2007 filed by them which was dismissed as referred to above. Since appellant has retired on 28.02.2008 and as per judgment and decree dated 07.09.2007 passed by District Judge, Karnal against which both the appellant and respondents filed appeal, respondents were to reconsider the case of the appellant for promotion w.e.f. 29.08.2002 when the disciplinary proceedings against him were decided which they did not do till date. And now after almost about 19 years after retirement appellant cannot be reconsidered. Since RSA-3972-2007 filed by the respondent is dismissed on the ground that no question of law much less a substantial question of law arises for consideration in the appeal by them, therefore, the present appeal is also dismissed in same terms.

9. The present regular second appeal is also ***dismissed*** in the same terms.

30.01.2026

Saahil

**(SUDEEPTI SHARMA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No