

M. Abdul Majeed

Vs.

Mysore State Electricity Board and Others

Civil Appeal No. 484 of 1973

(O. Chinnappa Reddy, G. L. Oza JJ)

13.11.1986

ORDER

The only question raised in this appeal is the insistence of the Mysore Electricity Board that the appellant should have passed the SAS departmental examination for promotion to the post of Accounts Superintendent. The High Court has found that the appellant though originally an employee of the Government of Mysore, subsequently accepted fresh appointment under the Board on the terms offered by it. The opportunity for the appointee to be promoted came for the first time in 1969 when the combined seniority list was prepared. By then the Board had made regulations pursuant to Section 79 of the Electricity Supply Act, 1948. Regulation 20 of the Regulations prescribed that one of the qualifications for promotion to the post of Accounts Superintendent was passing SAS Parts I and II examination. Admittedly, the appellant has not passed SAS Part I examination. The appellant, however, claims that he is entitled to be exempted from the regulation by reason of a resolution of the Board of the year 1962 by which employees above the age of 45 years had been exempted from the requirement for passing the examination. We are afraid that the resolution of the Board cannot be allowed to override statutory regulation made by the Electricity Board. We also notice that the regulation itself was subsequent to the resolution and must be considered to have superseded the resolution. There is, therefore, no merit in the appeal. It is accordingly dismissed but without costs.

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