

SUPREME COURT OF INDIA

Dharam Singh

Vs.

The Punjab State Electricity Board & Ors.

C.A.No.8161 of 2016

(Kurian Joseph and Shiva Kirti Singh,JJ.,)

16.08.2016

JUDGMENT

Kurian Joseph,J.,

SLP(Civil) No.1021 of 2015

1. Leave granted.
2. The simple issue in this appeal is whether the appellant had 2555 days' work charge status for the purpose of appointment as Assistant Lineman.
3. In the counter affidavit filed on behalf of the respondents before this Court, it is admitted that though the appellant had joined as a labourer on daily wages on 04.04.1983 and though he was terminated with effect from 01.01.1986, the service of the appellant was thereafter converted from daily wages Chowkidar to work-charge Chowkidar as per order dated 16.12.1994. In the Industrial Dispute, the Labour Court, Patiala, in the Award dated 12.01.1994, directed reinstatement of the appellant with continuity of service. Thus, appellant has continuity of service from 12.01.1994.
4. In view of the continuity of service from 1994, the appellant satisfies the condition of 2555 days as work-charge employee. In that view of the matter, we set aside the impugned judgment and direct the respondents to consider the case of the appellant by treating him qualified and as having completed 2555 days on the appointed day for the purpose of appointment as Assistant Lineman.
5. With the above observations and directions, the appeal is allowed.
6. We make it clear that this Judgment is rendered on the peculiar facts and circumstances of the case.

No costs.

