

Supreme Court of India

S.S. Gandha vs Karnataka Electricity Board And ... on 4 February, 1987

Equivalent citations: JT 1987 (1) SC 715, 1987 Supp (1) SCC 627

Bench: B Ray, M Thakkar

ORDER

1. The appellant was originally in the service of the then State of Bombay as it was before the re-organization of States in 1956. On the eve of re-organization he was employed in the Bombay State Electricity Board. He came to be allotted to the State of Mysore (as it then was) upon the re-organization of the States on 1st April, 1957. Later on the State of Mysore became the State of Karnataka. The appellant continued to work in the Electricity Department of the then Mysore State (later on Karnataka State) because at the material time there was no Electricity Board and it was a Department of the State. After the formation of the Karnataka Electricity Board (KEB) the appellant was given an option to join the KEB on the conditions of service applicable to the employees of the Board. He was also informed that if he was not willing to join in, KEB, his services were liable to be terminated. Taking stock of the situation at the material time, the appellant opted for joining the KEB. Having joined the KEB, he was naturally bound by the Rules and Regulation governing the KEB apart from the fact that he was clearly given to understand that he would be so governed by the said rules and regulations. Now as per the Rules and Regulations of the KEB for promotion to the higher post of Accounts Superintendent an employee had to pass the S.A. S. Examination. The appellant's grievance was that when he was originally in the State of Bombay and was working in the Bombay Electricity Board, a Clerk was not required to pass any examination for being promoted to the higher post of Accounts Superintendent. In view of this circumstance, he contended that he was entitled to the same condition of service and he was not required to pass S.A. S. Examination which was required to be passed as per the regulations of the KEB for being promoted to the aforesaid post of Accounts Superintendent. As the Electricity Board did not accede to this contention and refused to promote him having regard to the fact that he had not passed the said examination, the appellant approached the High Court of Karnataka by way of Writ Petition No. 856/75. The High Court of Karnataka dismissed the Writ Petition by the order under appeal.

2. We do not consider it necessary to examine the correctness of the reasoning of the High Court for in our opinion the conclusion reached by the High Court is unexceptionable and can be supported on a different reasoning which commends itself to us. Having exercised the option and having joined the KEB, the appellant was bound by the Rules, Regulations and the conditions of service which governed all the employees of the KEB. He could not, therefore, claim a right to be promoted to the Higher post of Accounts Superintendent without passing the S.A. S. Examination which was a condition precedent for promotion as per the Rules and Regulations which governed the question of promotion at the material time in the KEB. That he was not required to pass such an examination when he was in the service of Bombay State Electricity Board is an altogether irrelevant circumstance. As per Rule 3 of the Karnataka State Electricity Department (absorption of employees of the State Electricity Boards for the pre-reorganization State of Bombay) no such protection was extended. Having joined the Karnataka Electricity Board on a clear understanding that he would be bound by the Rules and Regulations of the Board, he could not under the law claim any privileged treatment. The appellant had no legal right to insist upon being promoted contrary to the

Regulation which required the passing of the examination for being promoted to the higher post of Accounts Superintendent. Be it realized that even if a similar question had arisen in the context of his employment in the State service and the protection of Section 115(7) of States Re-organization Act had been invoked he would not have succeeded in view of the law enunciated in Karnataka Electricity Board v. Gulam Mohuddin Under the circumstances, we are of the opinion that the High Court was right in dismissing the Writ Petition. The appeal therefore fails and is dismissed. There will be no order as to costs.