

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

R.S.A No. 2510 of 2010 (O&M)
Date of decision:- 16.07.2015

Angrej Singh and anr. ...Appellants

Versus

State of Punjab & ors. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. H.S. Baath, Advocate
for the appellants.

Mr. Vaibhav Sharma, DAG, Punjab

RITU BAHRI J.

Plaintiff-Appellant (for short 'the appellant') is in second appeal against the concurrent finding of fact recorded by both the Courts below whereby the suit of the appellants 'the appellants') for directing the defendants-respondents (for short 'the respondents') to compute Gurdial Singh's Pension and other retiral benefits after taking into account his entire service w.e.f July 1963 onwards till 31.03.2002 and to release his proficiency step in increment w.e.f April 2000 after 8 years of continuous service as Inspector, was dismissed.

Gurdial Singh (since deceased) joined the services in Punjab Roadways, Amritsar as Conductor on 15.07.1963. He served in different depots of Punjab Roadways and retired from Punjab Roadways, Tarn Taran on 31.03.2002.

He was denied the benefits of annual grade increments. He filed suit, which was contested by Punjab State, Transport Department and vide judgment dated 25.05.1986, his suit was decreed to the effect that he was in continuous service of the respondents since July 1963 and was entitled to the benefits of his increments only after the affect of orders dated 5.5.75, 22.8.75, 25.2.76 and 22.7.76. The copy of order dated 25.05.1986 has been placed on record by learned counsel for the appellants, vide C.M. No. 14056-C o 2012. Gurdial Singh remained in service and after being promoted as Inspector, retired on 31.03.2002. Gurdial Singh was shocked to see that his pensionary and retiral benefits were given to him after taking into account his service from July 1976 onwards

Upon notice, the respondents put in appearance and filed written statement and on merits, submitted that Gurdial Singh joined service in Punjab Roadways, Amritsar on 15.07.1963 and retired as Inspector on 31.03.2002. His past service was forfeited and was appointed afresh w.e.f 23.11.1976 vide order dated 23.11.1976. Pursuant to judgment dated 25.05.1986, the pay of Gurdial Singh was again fixed vide order dated 05.2.1988. He was not entitled to proficiency step up on completion of 8 years of service as Inspector because his service record was not found in accordance with the Government instructions dated

10.01.2000.

Both the Courts below rightly dismissed the suit of Gurdial Singh filed by his LR's the present appellants, as on account of bad service record of Gurdial Singh, his increments were stopped, he was not held entitled to cross efficiency bar. Further the judgment dated 25.05.1985 was not challenged by any of the parties and has attained finality and is thus binding on both the parties.

No substantial question of law arises for adjudication by this Court.

Accordingly, regular second appeal is dismissed.

July 16, 2015
G Arora

(RITU BAHRI)
JUDGE