

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH**

**LPA No.2093 of 2014 (O&M)**

**Date of Order: 29.01.2015**

Prem Kumar Zilladar

....Appellant

Versus

State of Punjab and Others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA  
HON'BLE MRS. JUSTICE RAJ RAHUL GARG**

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. D.D. Bansal, Advocate for the appellant.

**RAJ RAHUL GARG,J**

By way of this Letters Patent Appeal, the petitioner assailed the impugned order dated 02.09.2014 rendered by the Hon'ble Single Judge, alleging that the same is contrary to law and not sustainable in the eyes of law as such the same be set aside.

By filing the writ petition before the learned Single Judge, the petitioner claimed regular increments by deeming that he has completed 16 months training from the date of appointment.

The main grouse of the petitioner is this that the respondents were to hold examination twice a year but they did not do that. They have taken six years in completing the Exam, which were required to be completed within a period of 16 months. Thus, for no fault of the petitioner, he is at loss as regular increments are admissible only on completion of 16 months of training. Had the respondents conducted the said examination

within time frame, the petitioner would have completed training within 16 months and thus would have been allowed annual increments on being posted as a regular Zilladar.

Shri D.D. Bansal, Advocate also contended that payment of financial benefits may be restricted to 38 months prior to the filing of writ petition. There is no question of delay and laches as cause of action accrues in favour of the petitioner every month.

Learned Single Judge dismissed the writ petition for the reasons that the paragraph 7.32, Appendix-B of Punjab Public Works Department (Irrigation Branch), Zilladar 'State Service Class III Rules, 1955 (hereinafter to be called as "State Service Class III Rules, 1955") is enabling provision and does not mean that the deemed fiction of law has to be introduced to benefit a person; and secondly for raising the issue after considerable delay of 11 years.

As per paragraph No.7.32, Appendix-B of State Service Class III Rule 1955, a directly recruited Zilladar is required to undergo six months patwar training succeeded by examination with another crop training of six months followed by examination and civil training for four months totalling about 16 months. It is true that in this case, the respondents took six years in completing 16 months training but above mentioned Rule does not say that in any case after 16 months period prescribed for the training, the direct recruit is deemed to have completed the training or he becomes entitled to regular increment even if he has not undergone complete 16 months training or in the eventuality of failure of respondents to conduct 16 months consecutive training after the date of appointment. Petitioner has completed the training in 2003. He filed the writ petition only in 2014 i.e after 11

years. He did not raise the issue either prior to 2003 when the Schedule was not compressed to 16 months nor just after 2003. As such, the petitioner has no case.

Learned Single Judge has expressed his deep concern while mentioning in the impugned order that it would indeed be desirable if the requisite training is carried out by the respondents with promptitude and grievance of the petitioner seems to be justified.

However, as the petitioner cannot be allowed regular increments by deeming to have completed 16 months training from the date of appointment, we find no merit in this letters patent appeal.

As such no case is made out to cause interference by this Court in the present appeal.

Dismissed.

**(ASHUTOSH MOHUNTA)**  
**JUDGE**

**January 29, 2015**  
**manoj**

**(RAJ RAHUL GARG)**  
**JUDGE**