

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 1664 of 2013 (O/M)
Date of decision : 12.8.2015

Executive Engineer Operation and Maintenance Division, Mukerian
Hydel Project, Talwara, District Hoshiarpur, and another
..... Appellants

Versus

Sheetal Singh and another Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Meena Bansal, Advocate, for the appellants.
Mr. Vishal Aggarwal, Advocate, for respondent No. 1.
Mr. T.N. Sarup, Additional A.G., Punjab,
for respondent No. 2.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present regular second appeal is the order dated 3.12.2009, passed by the learned Civil Judge (Senior Division), Pathankot, vide which the suit of the plaintiff (respondent No. 1 herein) was decreed and the declaration was granted to the effect that the plaintiff/respondent No. 1 is entitled for fixation of pay in the revised pay scale of Crane Operator with effect from 1.1.1982 to 1.1.1999. The mandatory injunction was also granted, directing the defendants to grant revised pay scale and other allied service

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benefits and release arrears. The judgment was unsuccessfully challenged by the defendants before the learned Additional District Judge, Pathankot, who dismissed the appeal on 12.12.2012.

The only contention of the learned counsel for the appellants is that the plaintiff/respondent No. 1 was a work-charge employee of the Mukerian Hydel Project and that the notification relied upon by the lower Court was applicable to work-charged staff of Thein Dam Project.

The facts and circumstances show that though plaintiff/respondent No. 1 was a work-charge employee, but he was promoted as a Crane Operator. He was also granted the grade pay. The plea of the plaintiff/respondent No. 1 was that he was granted wrong grade of a driver, whereas for the Crane Driver, there is a different grade. The facts and circumstances show that it was a question of fact, which has been determined by both the Courts below. No question of law much less the substantial question of law is involved in this case. Therefore, there is no ground to interfere with the concurrent findings of facts recorded by both the Courts below.

Consequently, the present appeal is dismissed.

(KULDIP SINGH)
JUDGE

12.8.2015
sjks