

**205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RSA No.3034 of 2013 (O&M)
Date of Decision: August 12, 2015**

Balwan Singh (MPHW) Appellant

vs.

The State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. B.S. Rathee, Advocate for the appellant.

Mr. Samarvir Singh, Deputy Advocate General, Haryana.

1. Whether Reporters of Local Newspapers 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?

Kuldip Singh J.(Oral)

Impugned in the present regular second appeal is the judgment dated 30.04.2009 passed by learned Civil Judge (Jr. Divn.), Rohtak, whereby the suit of the plaintiff for grant of declaration with consequential relief was dismissed. The said judgment was affirmed by learned District Judge, Rohtak vide order dated 01.05.2013..

The plaintiff-appellant has prayed for grant of first A.C.P. w.e.f. 01.01.1994 and second A.C.P. w.e.f. 28.10.2000 with annual increments along with arrears of salary along with interest. The plaintiff has also prayed for fixation of his seniority.

The short facts, required to be noticed for the purpose of disposal of the present appeal are that previously the plaintiff was

working as a Clerk in Irrigation Department. He joined the Irrigation Department on 28.10.1980 and worked there up to 24.08.1994. In the meanwhile, the plaintiff applied through proper channel for the post of Multi Purpose Health Worker (MPHW) through Staff Selection Commission. He was selected for the said post and he joined for the said post w.e.f. 25.08.1994. Now, the plaintiff claims that for the purpose of grant of pay and increments his pay and increments in the new post and in new scale and his services in the Irrigation Department should be counted.

The facts and circumstances of the case show that the plaintiff was previously working as Clerk in the Irrigation Department, where he was having different pay scales and different avenues of promotion. He applied through Staff Selection Commission and was selected as Multi Purpose Health Worker in Health Department, wherein he was carrying different pay scales and different rate of increments and different avenues of promotion.

The only contention of learned counsel for the appellant is that the plaintiff-appellant had joined the new department with the permission of previous department. Therefore, he should be granted pay and increments by counting his previous service in the Irrigation Department.

I am of the view that in the Health Department, it was a fresh appointment, wherein the plaintiff-appellant was given a different pay scale. Therefore, his previous service on a different post cannot be counted for the purpose of grant of pay and increments.

Nor, the same cannot be treated for the purpose of seniority for the new post.

It being so, there is no illegality or infirmity in the judgments passed by both the courts below.

No substantial question of law is involved. Accordingly, the present appeal is dismissed.

August 12, 2015
sarita

(KULDIP SINGH)
JUDGE