

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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RSA No. 3465 of 2015 (O&M)

Date of decision : July 27, 2015

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State of Haryana and others

.....Appellants

Versus

Sukhbir

.....Respondent

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Mukesh Kaushik, DAG, Haryana.

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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?*

RITU BAHRI, J

Appellants-defendants (hereinafter referred to as 'the defendants') have come up in this regular second appeal against the judgment dated 23.4.2015 passed by the Additional District Judge, Hisar, whereby the appeal filed against the judgment of the trial Court was allowed and the judgment of trial Court was set aside. Vide the appellate Court judgment, the respondent-plaintiff (hereinafter referred to as 'the plaintiff') was held entitled to be placed in pay scale of Rs. 4000-6000 w.e.f. 1.1.1996 and IInd ACP Scale of Rs. 5000-7850 w.e.f 14.8.2005 as he has completed 20 years of regular service on 14.8.2005 on the post of Assistant Fitter without getting any promotion or financial upgradation and it is further held that

plaintiff is also entitled to the next scale of Rs. 5500-9000 w.e.f 1.4.2008 when he was promoted to the Post of Fitter. Defendants were directed that pay of plaintiff shall be fixed accordingly and he would be paid arrears of pay and allowance as also revised pay with interest @ 9% per annum from the date when it becomes due for payment.

The plaintiff joined the services as a Helper in Haryana Roadways Depot on 6.1.1982 and his services were regularized as such and subsequently promoted to the post of Assistant Fitter on 14.8.1985 in the pay scale of Rs. 950-1420. As per Government Policy decision in the year 1994 for its "C" and "D" categories employees for grant of time bound higher standard pay scale on completion of ten/twenty years of regular satisfactory service, he was granted benefit of higher standard pay scale of Rs. 1200-2040 w.e.f 1.1.1995 and on the implementation of revised pay scale w.e.f 1.1.1996 plaintiff has been placed in the lower pay Scale of Rs. 3050-4350 instead of Rs. 4000-6000 and Rs. 5000-7850 on completion of ten/twenty years regular satisfactory service respectively against the service rules whereas the co-designates have been granted Ist ACP and IInd ACP in the scale of Rs. 4000-6000 and Rs. 5000-7850 respectively. He was promoted to the post of Fitter on 1.4.2008, whereupon he again became entitled to the next higher pay Scale of Rs. 5500-9000. Despite his repeated requests and representations, no action was taken by the defendants. Hence the suit was filed by the plaintiff.

On notice the defendants filed a joint written statement. It was admitted therein that the plaintiff was getting pay scale of Rs.300-430 after his appointment as Helper in the office of General Manager, Haryana Roadways, Jind w.e.f 1.1.1982 and that he was further promoted as Assistant Fitter w.e.f 14.8.1985. It was further stated that he had been granted benefit of Ist and IInd ACP as per rules/clarification.

The plaintiff after being appointed as an Assistant Fitter had completed 10 years in 1995 and 20 years in the year 2005. Before he was promoted to the post of Fitter on 1.4.2008, he had completed 20 years of service as Assistant Fitter which was a Group 'C' post from the year 1985 till the year 2005 and had not earned even one regular promotion during that period. The plaintiff was granted first higher standard pay Scale on completion of ten years of regular service on the post of Assistant Fitter w.e.f 1.1.1995 and his pay was fixed in the scale of Rs. 1200-2040 in compliance of instructions Ex. D-3. The case of the plaintiff is that on implementation of ACP Rules 1998 which is effected from 1.1.1996 the scale of the plaintiff was revised in the pay Scale of Rs. 3050-4350 though he ought to have been placed in the pay scale of Rs. 4000-6000 since on 1.1.1996 plaintiff was drawing the Scale of Rs. 1200-2040. In **Haryana Civil Services (Revised Pay) & Assured Career Progression Rules, 1998** which are effective from 1.1.1996 wherein Part-II Schedule-I at serial no.8 it has been mentioned that functional pay scale of Rs. 1200-2040 has been revised to Rs. 4000-

6000.

The Division Bench of this Court in a case titled '**Ramesh Dahiya vs. Uttar Haryana Bijli Vitran Nigam Limited, 2008 (3) RSJ 186**' observed that the plaintiff who was working on the post of Draftsman since April 1983 had completed 20 years of service on April 2003 and he did not get any financial upgradation in the functional pay scale prescribed for the post as on 31.12.1995 during this period of 20 years either as a consequence of his functional promotion in the hierarchy or as a consequence of revision of pay scale for the same post. Therefore, he was held entitled to the benefit of the ACP. The case of plaintiff is squarely covered by the above said decision of the Division Bench.

The plaintiff after being promoted as Assistant Fitter on 14.8.1985 was granted higher standard pay scale w.e.f 1.1.1995. Thereafter, as per the **Haryana Civil Services (Revised Pay) & Assured Career Progression Rules, 1998**, he was eligible for grant of IInd ACP in 2005. From 14.8.1985 till August 2005 for a period of 20 years, he did not earn even one promotion. The Higher standard pay scale was given to him w.e.f. 1.1.1995 and on the implementation of the revised pay scale w.e.f 1.1.1996 plaintiff has been placed in the lower pay scale of Rs. 3050-4350 instead of Rs.4000-6000 and Rs.5000-7850 on completion of ten/twenty years regular satisfactory service respectively.

In view of the judgment passed by the Division Bench of this Court in the case of **Ramesh Dahiya (supra)**, the suit of the

plaintiff has been rightly decreed by the appellate Court. The judgment passed by the appellate Court does not suffer from any illegality or infirmity. Hence, the same does not require any interference of this Court. In view of this, this regular second appeal is dismissed.

July 27, 2015
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(**RITU BAHRI**)
JUDGE