

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

**RSA No.3147 of 2014 (O&M)
Decided on : 30.07.2015**

Hardial Singh

.... Appellant

Vs.

State of Punjab & ors.

.... Respondents

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Peeush Gagneja, Advocate
for the appellant.

Mr. D.K.Gupta, Addl. AG, Punjab.

Ritu Bahri, J.(Oral)

The plaintiff-appellant has filed the regular second appeal against the judgment of Lower appellate court dated 19.03.2014 whereby the judgment and decree of the trial court dated 30.08.2013 has been set aside and the suit of the plaintiff-appellant to count his ad hoc promotion to the post of ASI w.e.f. 01.04.1987 till 31.03.1990 for the purpose of ACP scales and refixation of his pay was dismissed.

The plaintiff-appellant had joined as constable on 21.10.1971 in the Police Department of Punjab and was promoted to the post of Head Constable and then ASI. He retired from the post of ASI on 31.12.2004. The plaintiff-appellant was deputed on duty as ASI from 01.04.1987 to 31.03.1990 in the Vigilance Department at Ferozepur on ad hoc basis. The grievance of the plaintiff is that the period of ad hoc promotion has not been given to him for the grant of benefit under Assured Career Progression Scheme and his salary was also not fixed properly in the year 1974.

During his service, he was selected for intermediate school course w.e.f. 01.04.1990 and hence he was reverted to the post Head Constable w.e.f. 31.03.1990 and his salary was reduced wrongly. On 01.01.1996, the salary of the plaintiff was wrongly fixed as Rs.5,800/-,

which was liable to be fixed as Rs.6,000/- per month. Consequently, the pension and pensionary benefits were reduced wrongly. The plaintiff-appellant retired on 31.12.2004 and his GPF was paid on 29.01.2006 by cheques dated 25.01.2006 and 13.06.2007 respectively. The plaintiff-appellant was claiming interest on delayed payment of Provident Fund. The trial Court granted interest @ 12% per annum on the delayed payment of GPF. The trial court decreed the suit of the plaintiff-appellant as ASI Nirmal Singh, who appeared DW-2 admitted the claim of the plaintiff-appellant.

In appeal, the lower appellate court has reversed the findings of the trial court for the detailed reasons given in para 21 of the judgment. Reference of the Punjab Government letter No.7/1488-5PP1/8369 dated 11.05.1990 was also made where it has been clarified that if ad hoc promotion i.e. provisional promotion is granted to an employee and its approval is pending by the Punjab Public Service Commission then that service should be taken into account for the purpose of benefit of senior scale /selection grade/proficiency step-up increments provided the promotion so ordered is against the promotion quota post.

In the case of plaintiff-appellant Over Rank Promotion as ASI was granted on 17.02.1987 and subsequently vide order dated 02.04.1990 passed by Deputy Inspector General, Ferozepur, Ex.P10, he was reverted to the rank of Head Constable. The order of reversion has not been challenged by the plaintiff-appellant and has attained finality.

Learned counsel for the plaintiff-appellant has submitted that promotion granted to the plaintiff as ASI on 01.04.1987 hence for

all intents and purpose but the financial benefits for the said period were denied to the plaintiff by the Accountant General, Punjab vide its letter dated 10.05.2007 as it was ad hoc promotion. The plaintiff was reverted to the rank of Head Constable and thereafter was granted his due promotion on 26.02.1990. The plaintiff has not challenged his promotion on the ground that he had been ignored and his junior had been promoted before him.

The judgment of the lower appellate court does not warrant any interference. Hence, the appeal filed by the appellant stands dismissed.

30.07.2015
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(Ritu Bahri)
Judge