

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

Regular Second Appeal No.3210 of 2014 (O&M)
Date of decision:01.09.2015

Hari Singh, retired JE son of Shri Karnail Singh

... Appellant

versus

Punjab State through its Secretary, Irrigation Corporation Punjab,
Chandigarh, and others.

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rajinder Sharma, Advocate,
for the appellant.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The plaintiff, who joined as a Section Officer on 07.08.1973, was superannuated on 28.02.2007. He filed a suit post his retirement for mandatory injunction that he had not been given the benefit of proficiency step up that was due to be paid to him on completion of 8, 18, 24 and 32 years of service. The defendant took a plea that the plaintiff earned a promotion from his post as Extra Assistant Engineer and still later as an Assistant Engineer and having gained promotion, he was not entitled to proficiency step up and other benefits which he has sought in the suit. The plaintiff,

therefore, had amended the suit and came with a plea that he was entitled to be given proficiency step up and on completion of 4, 9 and 14 years of service and for this plea, the contention by the defendant was that his plea was being considered. The court, according to the plaintiff, dismissed the suit on his original pleading without minding the amendment brought in the plaint and the admission made by the defendant that the plaintiff's plea was still under consideration.

2. I asked the counsel before proceeding further to show to me any particular rule which should allow for proficiency step up on the respective years of completion of service, in spite of the fact that the he had earned increments during his tenure of service. The counsel says that he does not have the necessary rules to support his plea. I do not think any judicial help is possible in such a situation and if the plaintiff's right was being put under consideration by the employer, he will come by such benefits as the consideration makes possible for him.

3. The second appeal is dismissed as not bringing up any substantial question of law for consideration.

(K.KANNAN)
JUDGE

01.09.2015
sanjeev