

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

R.S.A No. 3900 of 2014 (O&M)
Date of decision:- 23.04.2015

U.H.B.V.N.L and others

...Appellant

Versus

Gurdev Singh

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. R.S. Longia, Advocate
for the appellant.

RITU BAHRI J.

The present regular second appeal is directed against the concurrent finding of facts recorded by both the Courts below whereby the suit of the plaintiff-respondent (for short 'respondent'), was decreed.

The respondent was working on the post of Meter Reader in the office of Sub-Divisional Officer, (Operation) S-Division No. II, UHBVNL, Kurukshetra, District Kurukshetra. He joined the services of erstwhile HSEB now Nigam (UHBVNL) on the post of Bill Distributor on ad hoc basis on 02.07.1981. He was regularized on 08.03.1985 and was allowed the pay scales of Rs.950-1500 w.e.f 01.01.1986 in view of revised pay scale of the Nigam. He was promoted to the post of Meter Reader on 09.08.1987 and his pay was fixed in the pay scale of Rs.1200-2040. The pay scales of the Nigam were again revised w.e.f 01.01.1986. The respondent

was claiming that as per the Rules and scheme, after the completion of 10 years of service, he should be granted 1st ACP Scale and after 20 years of service, 2nd ACP scales.

Reference has been made to deposition of D.W.1 Suresh Pal Rana, Divisional Accountant who deposed that as per office order dated 27.02.1998. Clause No. 5, every Board employees after a regular satisfactory service for a minimum period of 10 years, has not got any financial up-gradation in terms of grant of pay scale higher than the functional pay scale prescribed for the post on 31.12.1995 on which he was recruited as direct recruited fresh entrant. In his cross examination, he admitted that on completion of 10 years of service, the respondent had not got any promotion and in 1996, the pay scales of all the employees were revised. The respondent was given Rs.4000-6000. Before withdrawing the benefit, no notice was given to the respondent.

The trial Court has made reference to judgment passed by this Court in a case of Prem Chand Manchanda and others v. State of Haryana and another passed in CWP NO. 4563 of 2007. After the decision of this CWP, the appellants withdrew the benefits of ACP on the ground that his ACP was released only on the basis of comparison with the junior Shamsheer Singh and not on the basis of eligibility.

The trial Court decreed the suit of the respondent

to the effect that he is legally entitled for ACP-I Scale of Rs.5000-7850 w.e.f 01.08.1988 and ACP-II scale after completion of 20 years of service and for proper fixation of pay w.e.f 01.01.2006 in revised pay scale with grade pay of Rs.3300/- from appellants and further he is entitled to get his pay fixed properly in the said scale as well as the revised pay scale w.e.f 01.01.2006 along with arrears of his pay w.e.f April 2011.

Feeling aggrieved against the order passed by the trial Court, the appellant preferred an appeal and the respondent filed a cross objection. The appeal was dismissed and the cross objections were allowed and respondent was held entitled to interest @8% per annum on the accrual dues/arrears, from the date of actually due till its realization.

The judgments passed by both the Courts below, calls for no interference. No substantial question of law arises for adjudication by this Court.

Accordingly, regular second appeal is dismissed.

April 23, 2015
G Arora

(RITU BAHRI)
JUDGE