

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

342

RSA No. 946 of 1990 (O&M)**Date of decision: 22.08.2016**

The State of Punjab and another

.... Appellants

Versus

Jagtar Singh

.... Respondent

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Neeraj Yadav, AAG, Punjab.

None for the respondents.

P.B. Bajanthri, J. (Oral)

In the instant appeal, the appellants-State of Punjab have assailed the order dated 30.11.1989 passed by appellate Court. The respondent-Jagtar Singh was appointed as Fireman. On 21.10.1970 there is a communication from office of the Executive Engineer, Construction Division (B&R) Gidderbaha to the Sub Divisional Engineer, Construction Sub Division (B&R), Malout in which it is stated that respondent was a Cleaner in the office of Sub Divisional Engineer, Malout. The Sub Divisional Engineer was directed to assign the work of Roller in Construction Sub Division, B&R, Gidderbaha to test his efficiency as Driver for one month. Based on this communication the service records is stated to have been tampered that respondent-Jagtar Singh is in the cadre of Diesel Roller Driver and he is seeking pay scale attached to the said post

namely Rs.120-250.

2. Perusal of the record reveals that on 15.12.1970, vide Ex.D1 respondent-Jagtar Singh who was a Cleaner was promoted as a Tractor Driver (work Charge) in the scale of Rs.110-180. If the above facts and circumstances are to be taken into consideration though Jagtar Singh-respondent should have questioned the office order dated 15.12.1970 by which he has been promoted as a Tractor Driver had he been regularly promoted or appointed to the post of Diesel Road Roller Driver in the pay scale of Rs.120-250. In view of these discrepancies the appellate Court decision is not correct. The Appellate Court has erred in not looking into two documents especially the communication Ex. P1 dated 21.10.1970 and the office order dated 15.12.1970 from which it is crystal clear that respondent-Jagtar Singh was holding the post of Tractor Driver and not the Diesel Road Roller Driver. Accordingly, appellate Court order is set aside.

3. Appeal is allowed.

22.08.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No