

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

RSA No.3019 of 2013 (O&M)

Date of Decision:05.12.2016

Food Corporation of India and others ... Appellants

Vs.

Daya Parkash ... Respondent

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Atul Gaur, Advocate for
Mr. Sumeet Goel, Advocate for the appellants.

Mr. Harish Goyal, Advocate for the respondent.

P.B. BAJANTHRI J.

The appellant in the present case assailed the order passed by the trial court dated 1.3.2012 passed in Civil Suit No.135 of 2008 and the order of the appellate court dated 17.4.2013 passed in civil appeal No.25 dated 29.3.2012.

The respondent joined appellant-Food Corporation of India and he has earned promotion as manager on 18.12.2000. Policy of the Food Corporation of India stipulates that on completion of three years of service as manager, the manager is entitled to increment. The respondent was placed under suspension w.e.f. 27.2.2001 to 15.6.2001 and the same was revoked on 15.6.2001.

In this background, the appellants have declined to grant special increment which is due to the respondent as and when he completed three years of service.

Admittedly, no inquiry has been held, on the other hand, suspension period from 27.2.2001 to 15.6.2001 has been treated as duty for all purposes (Ex.P-6). Although special increment has been declined on the ground that respondent was placed under suspension but suspension period

has been treated as duty period. Therefore, both the courts below have rightly held that respondent is entitled to special increment. Hence, the appellants have not made out a case so as to interfere with the orders passed by the courts below.

Accordingly, the present appeal stands dismissed.

05.12.2016
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**