

113

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

RSA No.1087 of 2015

Date of decision: January 06, 2016

Lachhman Singh

.....Appellant

Versus

Punjab State Power Corporation Ltd. and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ashish Gupta, Advocate
for the appellant.

SABINA, J

Appellant had filed suit for declaration that he was entitled for proficiency step-up as he had rendered nine years of service.

The case of the appellant, in brief, was that he was appointed as EG-II with the respondent No.2 on 29.09.1997. Appellant became entitled for one increment on completion of nine years service on 28.09.2006 under Promotional Career Progressive Scheme. However, respondents had not granted the said increment to the appellant. It was further the case of the appellant that he was promoted as EG-I vide order dated 30.06.2006, but he was allowed to join on the said post on 05.10.2006. Appellant was on leave from 10.07.2006 to 03.10.2006. Hence, the suit was filed by the appellant-plaintiff.

The case of the respondents in their written statement was that first time bound scale was admissible on 28.09.2006 but the appellant failed to join on his promotional rank.

On the pleadings of the parties, following issues were framed by the trial Court:-

- “1. Whether the plaintiff is entitled to declaration as prayed for?OPP
2. Whether the suit is not maintainable in the present form?OPD
3. Relief.”

Trial Court vide judgment/decreed dated 04.03.2014 dismissed the suit of the appellant-plaintiff. The said judgment/decreed passed by the trial Court were upheld by the First Appellate Court vide judgment/decreed dated 01.10.2014 in an appeal filed by the appellant-plaintiff. Hence, the present appeal by the appellant-plaintiff.

I have heard learned counsel for the appellant and have gone through the record available on the file carefully.

The facts in the present case are not in dispute. Admittedly, appellant was appointed as EG-II with respondent No.2 on 29.09.1997 and was promoted as EG-I vide order dated 30.06.2006, i.e. before he had completed nine years of service as EG-II. Appellant, however, did not immediately submit his joining report as EG-I but joined the said post on 05.10.2006. Since in the present case, before

the appellant had completed nine years of service as EG-II, he was promoted as EG-I, the Courts below rightly held that the appellant was not entitled to the relief claimed by him.

No substantial question of law arises in this case warranting interference by this Court.

Dismissed.

**(SABINA)
JUDGE**

January 06, 2016
mahavir