

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

**RSA No.3323 of 2015**

**Date of Decision:17.11.2016**

Kishan Chand

... Appellant

Vs.

The State of Punjab and another

... Respondents

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

Present : Mr. R.S. Bajaj, Advocate for the appellant.

**P.B. BAJANTHRI J.**

In the instant appeal, the appellant has questioned the validity of the trial as well as appellate court orders dated 25.4.2014 and 8.1.2015 respectively.

The appellant joined service on 2.4.1975. His grievance is that ACP after completion of 8, 18, 24 years has not been granted. Therefore, he has filed suit before the trial court on 22.7.2009. The trial court held as follows:

*“Relief- In view of the discussion hereinbefore, the suit of the plaintiff is partly decreed to the effect that he is entitled to interest over payment of his dues for 24 years Assured Career Progression Scheme @ 9% with effect from 2.4.1999 i.e. the time when the said amount became due. Decree sheet be prepared. File be consigned to record room.”*

The appellate court held as follows:

*“As a sequel to the above discussion, this appeal is accepted. The judgment and decree under appeal are modified accordingly. The plaintiff is found entitled to the benefit of proficiency step-up on completion of 18 years of service with effect from 2.4.1993 instead of 6.5.1995. However, the claim of arrears is restricted to three years preceding the filing of the suit. The plaintiff is also entitled to simple interest at the rate of 9% per annum till payment. However, no order is made as to costs. Decree sheet be drawn up*

*accordingly. The record of trial Court be remitted forthwith and appeal file be consigned to the Record Room.”*

The cause of action for the purpose of seeking ACP accrued in the year 1983 and 1999 respectively. Whereas the appellant filed suit in the year 2009. Therefore, the appellant is not entitled for arrears prior to filing of suit for a period of three years. As such, the appellant is not entitled to arrears prior to 21.7.2006. Thus, the appellant has not made out a case so as to interfere with the orders dated 25.4.2014 and 8.1.2015 respectively passed by the trial court and appellate court.

The appeal is, accordingly, dismissed.

17.11.2016  
rajeev

**(P.B. Bajanthri)**  
**Judge**

**Whether speaking/reasoned**                      **Yes/No**

**Whether reportable**                              **Yes/No**